

THE PENAL CODE

LAW N ° 1/05 OF 22 APRIL 2009 REVISING THE CRIMINAL CODE

THE PRESIDENT OF THE REPUBLIC;

Having regard to the Constitution of the Republic of Burundi;

Having regard to Decree-Law No. 1/91 of 2 August 1971 on the Regime of Firearms and their Minutes;

Revised Decree-Law No. 1/6 of April 4, 1981 Reforming the Penal Code;

Having regard to Decree-Law No. 1/029 of 28 July 1989 on the Ratification of the Convention on the African Charter on Human and Peoples' Rights;

Having regard to Legislative Decree No. 1/009 of 14 March 1990 ratifying the International Covenant on Civil and Political Rights of 16 December 1966;

Having regard to Legislative Decree No. 1/032 of 16 August 1990 on Ratification of the Convention on the Rights of the Child of 20 November 1989;

Having regard to Legislative Decree No. 1/006 of 4 April 1991 on Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women of 18 December 1979;

Having regard to Decree Law No. 1/47 of 31 December 1992 on the Ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984;

Having regard to the Decree-Law N ° 1/045 of 9 July 1993 on General Provisions of the Commercial Code;

Having regard to Law N ° 1/002 of 6 March 1996 on the Code of Private and Public Companies;

Having regard to Law N ° 1/015 of 20 July 1999 on Reform of the Code of Criminal Procedure;

Having regard to Law No. 1/005 of 16 June 2000 on the Accession of the Republic of Burundi to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity;

Considering Law No. 1/004 of 8 May 2003 on the Suppression of the Crime of Genocide, Crimes Against Humanity and War Crimes;

Having regard to Law No. 1/011 of 30 August 2003 on the Accession of the Republic of Burundi to the Statute of the International Criminal Court;

Having regard to Law N ° 1/08 of 17 March 2005 on the Code of Judicial Organization and Jurisdiction;

Having regard to Law No. 1/07 of 15 March 2006 on Bankruptcy;

Having regard to Law N ° 1/12 of 18 April 2006 on Measures for the Prevention and Repression of Corruption and Related Offenses;

The Council of Ministers having deliberated; The

National Assembly and the Senate having adopted;

PROMULGATES:

BOOK FIRST

OFFENSES AND REPRESSION IN GENERAL

TITLE I: GENERAL PROVISIONS

CHAPTER I: INFRINGEMENT IN GENERAL

Article 1:

The offense is an act or omission that manifests itself as a breach of the social order and that the law sanctioned by a penalty.

Article 2:

Only the law defines the elements of the offense and determines the applicable penalties.

Article 3:

Criminal law is strictly interpreted

Article 4:

No offense may be punished with penalties that were not prescribed by law before the offense was committed.

However, in the case of the concurrence of two criminal laws, one of which the offense was committed and the other enacted since the offense, and before a final judgment has been rendered, The new one must be applied if it imposes a less severe penalty.

Article 5:

The following shall apply immediately to offenses committed before their entry into force:

1. The laws of jurisdiction and of organization of courts, so long as a judgment on the merits has not been rendered in the first degree;
- 2 ° Laws laying down the modalities of prosecution and the forms of the procedure;

(3) Laws relating to the rules for the application and enforcement of sentences, provided that they provide for more favorable conditions for the sentenced person;

4. The laws relating to prescription of public action and penalties if they provide for courts deadlines;

5 ° Laws for the decriminalization of facts.

Article 6:

Appeals are initiated and procedural time limits are counted according to the laws in force at the time the acts concerned are filed.

Article 7:

The immediate application of the new law has no effect on the validity of acts performed in accordance with the old law.

Article 8:

Any offense committed on the territory of Burundi by Burundians and foreigners is subject to international conventions on diplomatic and consular immunities, punishable under the criminal law of *Burundi*.

Diplomatic or consular immunities shall not apply in the case of a crime of genocide, a crime against humanity or a war crime.

Article 9:

The offenses committed on board the boats, ships, trains or aircraft registered in Burundi or abroad and carrying out their activities in Burundi or against them are punished under the criminal law of ***Burundi***.

Article 10:

Any offense or offense committed outside the national territory by a Burundian or a foreigner shall, subject to the extradition conventions, be punishable under the penal law of Burundi if the author is in Burundi or if the victim has Burundian nationality and That the offense is punishable by the law of the country where the offense was committed.

In offenses other than those relating to counterfeiting of the seals of the State and of national currencies, those relating to acts of torture, terrorism, genocide, crimes against humanity and war crimes, prosecution and Judgment of offenses committed abroad are subject to the filing of a complaint by the injured party or to the official denunciation of the authority of the country where the offense was committed.

The jurisdiction of the Burundian courts with respect to the crime of genocide, crimes against humanity and war crimes is not subject to

- that these crimes are punishable by the legislation of the country ed w here they ed ty committed and the Conventions on *extradition*.

Article 11:

When the offense has been committed abroad, no prosecution shall be instituted if the accused justifies his conviction, sentence, sentence, sentence, pardon, or conviction. Benefited from the amnesty.

CHAPTER II: CLASSIFICATION OF OFFENSES Article 12:

Depending on *the* degree of seriousness, the offenses are classified as crimes, offenses, or contraventions.

Offenses punishable by more than two months of criminal servitude are contraventions.

Offenses with a penalty of between two months and five years of criminal servitude are offenses.

Offenses punishable by more than five years of criminal servitude are crimes.

Article 13:

When the punishment for an offense is expressed by a minimum and a maximum, only the latter shall be taken into consideration for the application of the provisions of the preceding article.

Where the punishment of an offense is increased by aggravating circumstances, the maximum aggravated sentence shall be taken into consideration for the application of the provisions of the preceding article.

Where the penalty incurred by the perpetrator is increased by the effect of recidivism, such increase shall not be taken into consideration for the application of the provisions of the preceding article.

CHAPTER III: THE ATTEMPT Article

14:

There is a punishable attempt when the resolution to commit the offense has been manifested by external acts which constitute the commencement of the execution of that offense and which have been suspended or have only failed in their effect by independent circumstances Of the will of the author.

Article 15:

An attempt to commit an offense shall be punished with half of the penalty for the offense or crime consumed.

If the offense is punishable by the penal servitude in perpetuity the perpetrator of the attempt is punished by fifteen years of criminal servitude.

Article 16:

This is an impossible attempt when a potential offender has done everything in his power to commit an offense, whereas the offender could not have done so because of an impossibility that he was unaware of.

The impossible attempt shall be punished with one-quarter of the penalty for the missed offense.

If the offense is punishable by life imprisonment, the perpetrator of the impossible attempt shall be punished by ten years of criminal servitude.

Article 17:

An attempt to commit a contravention is punishable only in cases determined by law.

CHAPTER IV: CRIMINAL LIABILITY

Section 1: The principle.

Article 18:

Criminal responsibility is personal; Shall be punishable only by reason of his own act, without prejudice to the special provisions contained in this Code.

Article 19:

The offender is the person who personally commits the various material and intellectual elements as defined by the law.

Article 20:

The intellectual author is the one who conceives the offense and makes all or some material acts realize by a third party.

Article 21:

With the exception of those referred to in Article 24, legal persons shall be criminally responsible for offenses committed by their leaders or legal representatives acting on behalf of such persons or in the defense of their interests or on the occasion of any other Closely linked to their corporate purpose.

Article 22:

The criminal liability of legal persons does not exclude that of physical persons who are the perpetrators or accomplices of the same acts.

Article 23:

The following shall be deemed to be the legal persons referred to in Article 21:

(1) The temporary associations;

2 ° Civil or commercial societies in formation;

3 ° Non-profit or mutual associations in formation; 4. De facto associations.

Article 24:

Can be considered as legal entities for the application of Article 21: the State, municipalities and public establishments for commercial, industrial, administrative and *scientific*.

Section 2: Subjective Cases of Criminal Irresponsibility or Sentence Mitigation

Article 25:

A person who suffers from an illness or mental deficiency who deprives him or her of the ability to understand the nature of the offense or the nature of his or her behavior is not punishable, or to control it in order to comply with the requirements of law

Article 26:

However, a person who voluntarily deprived himself of the use of his mental faculties at the time of the offense remains criminally responsible, even if such deprivation has not been caused for the purpose of committing the offense.

Article 27:

A person who has acted under the coercion of a force to which he has not been able to resist is not punishable.

However, coercion can never be used as an argument by the defense in cases of genocide, crimes against humanity, war crimes and other crimes falling under international law, but it can only be taken Account for a reduction in the penalty.

Article 28:

Minors under the age of fifteen are criminally irresponsible. The offenses committed by the latter only give rise to civil remedies.

Article 29:

Where the perpetrator or accomplice of an offense is a minor of fifteen years of age and less than eighteen years of age at the time of the offense, the penalties shall be as follows:

(1) If he were to incur the penal servitude of life for life, he shall be sentenced to five to ten years' imprisonment;

2 ° If he has incurred a conviction in time or a fine, the penalties which may be imposed against him may not exceed four years.

Article 30:

Measures of protection, education and supervision which may be imposed against a minor are the following:

- the warning;
- the reminder of the law;
- delivery to parents, guardian or a person of trust;
- assistance ed educative;
- placement in an institution for social character è re repl establishment school or other institution of e e e habilit cant.

At the same time that he or she issues a primary sentence other than criminal servitude, the judge hearing the case may give the minor an educational assistance or order placement in a foster family or an authorized institution determined.

The judge hearing the case may at any time, either ex officio or at the request of the Public Prosecutor's Office, parents or legal representatives, or on the report of the social worker, modify the protection, supervision or education measures In respect of the minor or to terminate it.

Section 3: Objective causes of criminal irresponsibility

Article 31:

There is no infringement:

(1) Where the act was ordered or authorized by law or ordered by lawful authority, unless the act was manifestly unlawful.

However, hierarchical order can never be used as an argument by the defense in cases of genocide, crimes against humanity, war crimes and other crimes under international law, but it can only Be taken into account for a reduction in the penalty.

(2) In the case of a state of necessity, which is the position of a person who, placed in the presence of a grave and imminent danger to himself, another person or property, or with a view to interrupting a crime or an offense, A fact which falls within the scope of the criminal law with a view to safeguarding an interest superior to that sacrificed. The means used for this purpose must be proportionate to the gravity of the threat.

However, a state of necessity can never be used as an argument by the defense in cases of genocide, crimes against humanity, war crimes and other crimes under international law, Only be taken into account for a reduction in the penalty.

The offenses covered by the chapter of voluntary homicides are not concerned by the content of point 2.

(3) In the case of self-defense, which is the reaction of a person who, in the face of unjustified aggression against himself or others, performs an act which falls within the scope of criminal law, provided that the means used are proportional to the Gravity of aggression.

Section 4: Apology

Article 32:

No crime or offense may be excused except in cases determined by law.

Article 33:

Legal excuses leave offense and responsibility, but provide offenders with either impunity when they are absolute, or moderate punishment when they are mitigating.

CHAPTER V: MITIGATING Article 34:

The judge sovereignly assesses the circumstances which, prior to, concomitant or subsequent to the offense, mitigate the culpability of its author.

However, sentencing decisions should not be made in the sole discretion of judges, but only in accordance with appropriate factors, taking into account extenuating circumstances.

Article 35:

The decision which admits mitigating circumstances indicates, enumerates and motivates them.

Article 36:

If extenuating circumstances exist, penal servitude and fines may be reduced to the extent determined by the judge.

CHAPTER VI: THE PARTICIPATION IN THE OFFENSE

Article 37:

The following are considered authors:

1. Those who personally took part directly in the execution of the infringement or cooperated directly in its execution;
- (2) Those who, by any act, have lent such assistance for the execution of such an act, that without their assistance the offense could not have been committed.

Article 38:

The following shall be regarded as accomplices of an offense: those who, without direct participation in it and without their assistance being indispensable, have:

- (1) Involved in action by gift, promise, threats, abuse of authority and power, guilty machinations or artifices or gave instructions to commit it;
- (2) procured weapons, instruments or any other means which served the action knowing that he was to serve there;
- (3) With knowledge, assisted by any means or assisted the author or authors of the action in the facts which prepared or facilitated it or in those who have consumed it;
4. With knowledge of their criminal conduct, habitually provided accommodation, place of retreat or meeting to one or more malefactors;

(5) By incitement to commit the offense by speeches in meetings or in public places, either by means of writings or printed matter

Sold or distributed, offered for sale or exhibited in public places or meetings or by placards or posters exposed to the public, directly caused the perpetrator or perpetrators to commit such action;

6 ° Received or assisted perpetrators under the conditions laid down in Article 305.

Article 39:

A person who intentionally has decided a person to commit an offense is liable, if committed, to the penalty applicable to the offender.

Article 40:

Where the offense was not committed solely by reason of the voluntary forbearance of the person who was to commit it, the instigator shall be liable to half of the penalty provided for that offense.

Article 41:

Except in the case of special provisions establishing other penalties, co-perpetrators and accomplices shall be punished as follows:

1. The co-authors of the penalty established by the law with regard to authors;
- (2) The accomplices of a penalty not exceeding one half of that which they would have incurred if they had themselves been the perpetrators;
- (3) Where the penalty provided for by the law is life imprisonment, the punishment applicable to the accomplice is twenty years of criminal servitude.

Article 42:

The personal circumstances from which aggravation, mitigation or exemption from punishment result, have effect only with respect to the participant to whom they relate.

Article 43:

The objective circumstances inherent in the offense which aggravate or diminish the punishment of those who have participated in the offense shall have effect on them or on their behalf according to whether or not they have had knowledge of it.

TITLE II: PENALTIES IN GENERAL

CHAPTER I: CLASSIFICATION OF SENTENCES

Section 1: Penalties applicable to natural persons § 1. Major penalties

Article 44:

The main penalties applicable to natural persons are:

1. The penal servitude.
- 2 ° The fine.
- 3 ° Community service.

1. Of the penal servitude

Article 45:

The duration of the main penal servitude is either perpetual or temporary.

Article 46:

The duration of the main penal servitude in time is one day minimum and thirty years maximum according to the cases specified by the law, except in the cases of recidivism or others where the law would have determined other limits.

It is calculated per day, month and year of the Gregorian calendar. The sentence of one day is twenty-four hours. That of a month is thirty days.

Article 47:

The prisoners sentenced to the penal servitude undergo their sentences in the prisons determined by the Minister who has the justice in his attributions. They are employed either inside or outside these establishments, to one of the works authorized by the by-laws of the establishment, unless they are exempted in exceptional cases by the Minister having Justice in its attributions.

Article 48:

Any detention incurred prior to the irrevocable conviction as a result of the offense which gave rise to the conviction shall be imputed for the whole of the penal servitude sentence imposed.

2. The fine

Article 49:

The fine is a pecuniary penalty which consists in the obligation to pay a sum of money to the public treasury. It is at least a thousand francs.

Article 50:

The fine shall be imposed individually against each convicted person for the same offense. There are no collective fines.

Article 51:

In default of payment within the eight-month period following the conviction which has become irrevocable and in the case of a judgment immediately enforceable, within eight days of the judgment or judgment being given, the fine may be replaced by an easement The duration of which is fixed by the judgment of conviction on the basis of the circumstances or the amount of the fine imposed on the convicted person.

Article 52:

The duration of the subsidiary penal servitude in the event of a fine shall not exceed twelve months. In any case, the convicted person may be freed from this penal servitude by paying the fine. It can not evade prosecution of property by offering to undergo penal servitude.

3. Community service

Article 53:

Community service consists of the conviction of the offense or offense of personally performing unpaid work for the benefit of a legal person governed by public law or an association authorized to carry out work of general interest.

Article 54:

In all cases where the judge believes that he may impose a penal servitude penalty for a period not exceeding six months, he may substitute a conviction for community service, the duration of which does not exceed seven hundred and twenty hours. In the application of this Article, the penalty of one month of servitude shall be one hundred and twenty hours of community service.

The judgment specifies the penal servitude and / or fine imposed on the convicted person who evades the performance of community service work.

The community service penalty and the fine or penal servitude penalty can not be imposed cumulatively.

In any event, the penalty to be imposed shall not exceed six months of primary servitude.

Article 55:

In choosing the nature of community service, the judge takes account of the social environment, the age and any other criterion of vulnerability of the convicted person.

Article 56:

For each convicted person, the institution responsible for carrying out the work of general interest shall notify the competent territorial prosecutor of the person responsible for the supervision of the execution.

Article 57:

The designated official shall report to the Prosecutor on the progress of the execution of the work and on any incidents that occur during its execution.

If the offender is a minor under the age of 18 years, the Public Prosecutor sends a copy of the report to the judge hearing the case.

Article 58:

Upon expiry of the time limit set out in the judgment, the institution for whose benefit the community service has been performed shall issue a final report to the Public Prosecutor stating the manner in which the work was carried out.

If the offender is a minor under the age of eighteen years, the Public Prosecutor sends a copy of the report to the judge hearing the case.

Article 59:

The nature and manner of execution of community service are specified in the judgment.

§ 2. Additional penalties applicable to natural persons

Article 60:

The additional penalties applicable to natural persons are:

- 1 ° Special confiscation;
2. The prohibition;
3. The socio-judicial *surveillance*;
4. The making available to the Government; 5 °
The closure of an establishment;
- 6 ° Publicity of the conviction unless the offender is a minor under
the age of eighteen years;
- 7 ° Presentation of the condemned person to the public.

1. Special Confiscation

Article 61:

In the case of a crime or offense, special confiscation of the property which forms the body of the offense or which was used or intended to commit it or which was the product thereof may be ordered in addition to the main sentence, Where the property of the said property belongs to the convicted person.

Where the property described above does not belong to the convicted person, as well as in the case of a contravention, special confiscation may be ordered only in the cases provided for by law.

The special confiscation relates to the thing which served or was intended to commit the offense or the thing which is the product of it, with the exception of objects liable to restitution.

Article 62:

When the thing to be confiscated has not been seized or can not be represented, confiscation is ordered in value. For the recovery of the sum representing the value of the thing to be confiscated, the provisions relating to the imprisonment per se are applicable.

The thing confiscated shall, unless otherwise provided for in its destruction or attribution, be vested in the State; It nevertheless remains burdened,

- up to the value of the rights r e e d els lawfully constituted for the benefit of third parties.

Article 63:

The confiscation penalty shall be pronounced ex officio for objects which the judge considers to be dangerous or harmful to public order and security.

Article 64:

General confiscation of all the present and future assets of the convicted person is prohibited.

2. The prohibition

Article 65:

In the cases determined by law, the following prohibitions may be imposed:

- (1) Prohibition of civil, civil and family rights;
- 2 ° Prohibition on the exercise of a public function, a professional or social activity;
- 3 ° Exclusion of public contracts;
- 4 ° Prohibition of issuing checks;

5 ° Prohibition on the use of payment cards; 6 °
Prohibition to leave the territory;

7 ° Prohibition of residence and house arrest; (8)
Prohibition of territory;

9 ° Prohibition of access to the conjugal home to the spouse sentenced for serious violence against his spouse;

10 ° Prohibition of the right to frequent certain places of public assembly, places of care and education of children.

Article 66:

The prohibition of civil, civil and family rights concerns:

1 ° The right to vote;

2 ° Eligibility;

3 ° The right to exercise a judicial function or to be an expert before a Jurisdiction, to represent or assist a party before the courts;

4 ° The right to testify in court other than to make simple declarations;

(5) The right to be a guardian or curator except for his own children, after the advice of the Family Council;

6. The right to bear arms;

7. The right to wear any decoration.

The prohibition of civil, civil and family rights may not exceed five years.

Article 67:

The prohibition of civic, civil and family rights pronounced by courts and tribunals has the effect of depriving the convicted person of one or more rights enumerated in the preceding article without affecting all of these rights.

The prohibition of civic, civil and family rights may only be imposed in addition to a penal servitude of more than ten years.

However, in cases expressly provided for by law, the prohibition of civic, civil and family rights may be total or partial. It may be suspended during execution under the same conditions as penal servitude.

It can be reduced or erased following the rehabilitation process after a term and fulfilling conditions left to the discretion of the court which imposed the ***sentence***.

Article 68:

The prohibition on the exercise of a public function, a professional or social activity may relate either to the professional or social activity in the exercise of which or in respect of which the offense was committed or to any other activity Professional or social status defined by the law which punishes the offense.

The prohibition on the exercise of a public function or the exercise of a professional or social activity may not exceed twenty years.

Article 69:

The exclusion of public contracts consists in the prohibition of participation directly or indirectly in any contract concluded by the State and public establishments, local authorities and by undertakings granted or controlled by the State or by local authorities . The exclusion from public contracts may not exceed five years.

Article 70:

The prohibition to issue checks carries for the condemned injunction to return to the banker who issued them the forms in his possession and that of his mandataries.

The prohibition on issuing checks may not exceed five years.

Article 71:

The ban on the use of payment cards is **for the condemned**, in order to return to the banker cards in his possession and that of its agents.

The ban on the use of payment cards may not exceed five years.

Article 72:

The prohibition to leave the territory entails a defense for the convicted person to leave the territory of Burundi before the final discharge of his obligations arising from the judgment or the judgment.

Article 73:

In the cases provided for by law, the penalty for prohibiting Burundian territory may be imposed permanently or for a maximum of ten years against a foreigner guilty of a crime or an offense.

The prohibition of the territory entails ipso jure the convicted person being returned to the border, if necessary, at the expiry of the main sentence.

Article 74:

The prohibition of stay consists in the defense made to a prisoner to appear in certain places determined by the judge.

Article 75:

Imprisonment is the obligation of the convicted person to reside in certain places determined by the judgment.

The duration of the prohibition of stay may not exceed one year.

Article 76:

The prohibition of residence and the compulsory residence may be pronounced:

1 ° Against any person convicted of having committed an offense punishable by a penalty of principal penal servitude of not more than six months or when the penalty applicable does not exceed six months due to the circumstances;

2 ° Against anyone who has committed at least two offenses for ten years, each of which has resulted in a penal servitude of at least two months.

Article 77:

The judgment which condemns to the penalties of prohibition of residence and of compulsory residence determines the date on which these take place.

3. From socio-judicial monitoring

Article 78:

In cases provided for by law, courts and tribunals may order socio-judicial follow-up. The socio-judicial follow prevails, for the condemned, the obligation to submit, under the control of the public prosecutor and during a period determined by the trial court, with supervision and assistance measures to prevent recurrence. The duration of the socio-judicial surveillance may not exceed five years if convicted for offenses or ten years if convicted of a felony.

The fixed sentencing decision also the maximum period of incarceration of the condemned for non-compliance with the obligations imposed on it. This imprisonment shall not exceed two years if convicted for offense and five years for felony conviction.

Article 79:

The socio-judicial surveillance may include an injunction to follow the care and training. The injunction to follow the care can be pronounced by the trial court, if it is established, following a medical report, ordered in accordance with the Criminal Procedure Code , the accused person may be subject to 'a treatment.

In case of refusal of care or training that are offered, imprisonment imposed pursuant to paragraph two of the preceding article is enforced.

Article 80:

When the socio-judicial surveillance accompanies a custodial sentence without suspension, it applies from the day of deprivation of liberty.

When the measures prescribed in the socio-judicial surveillance can not run in a house of detention, imprisonment of the convicted suspends the statutory period of socio-judicial surveillance of the latter.

Imprisonment ordered because of failure to comply with obligations of socio-judicial surveillance stacks with the custodial sentences imposed for offenses committed during the execution of the measure.

Article 81:

The surveillance measures applicable to the person subject to socio-judicial surveillance are those under Article 121.

It can also be subjected to one or more of the following obligations:

1. Refrain from appearing in any place or class of specially designated places, including places usually welcoming minors;
2. Refrain from attending or enter into relationships with certain persons or categories of persons, including minors, except, if any, of those designated by the court;
3. Do not exercise a professional or voluntary activity involving regular contact with minors.

4. making available to the Government Article 82:

Anyone who has committed for ten years, at least three offenses that led each a prison term of at least six months and presents a persistent tendency to crime may, by stopping or conviction, be made available to the government for a term not exceeding ten years after expiration of the sentence of penal servitude.

Article 83:

The procedures on convictions as a basis for making available to the Government are attached to the file of the prosecution and the reasons for the decision are specified in it by indicating the circumstances that establish the persistent tendency to crime.

Article 84:

When sentenced was made available to the Government by two successive decisions to non-competing offenses, if the first decision dated has not reached its end to the expiration of the sentence of penal servitude given by the second decision, the second at the disposal of the government takes over after the expiration of the first.

Article 85:

When the offender is released conditionally worth making available to the Government shall commence on the date of parole. His execution is suspended in case of revocation of conditional release from arrest.

Article 86:

When during the execution of the put at the disposal of the Government, the convicted person is arrested, even preventively, under a court order, the execution of the sentence at the disposal of the Government is suspended for the duration of the detention.

Article 87:

The condemned available to the Government is interned, if held in a facility designated by the Minister having Justice in his attributions.

Article 88:

At the expiration of the principal penalty, the Minister responsible for justice shall decide whether it is released or detained. If the convict is released, it may, at any time, for misconduct, be interned by decision of the public prosecutor of the jurisdiction where the misconduct occurred.

The convicted person may appeal against the decision of the Prosecutor of the Prosecutor at the Court of Appeal.

Article 89:

The condemned available to the Government may request to be relieved of the effects of the conviction. The application is addressed to the Attorney General at the Court of Appeal of jurisdiction of the court which delivered the making available to the Government.

The Prosecutor General of the Court of Appeal hearing the application and enters, by his submissions, the court which convicted; this statue by reasoned decision, the convicted regularly quoted and heard.

If rejected, a new request can not be formed before the expiry of a period of one year.

5. the establishment of closure

Article 90:

When the offense is committed within the commercial, or industrial activities in the business leader and in all cases expressly provided by law, the courts may, in addition to principal punishments, order the closure of the establishment condemned and for a period of two years at most.

In this case, the convicted person may sell all or part of its stock, particularly perishables to another professional. The sale price can not be paid without the agreement of the Treasury, which has a special lien on that price, for the payment of criminal or tax penalties charged to the condemned.

6. advertising of conviction

Article 91:

In the cases determined by law, at the request of an interested party or ex officio at the discretion of the court, the judge may order that the sentencing decision is published full or in part in the Official Bulletin of Burundi in or more other press publications or in one or more audiovisual communication or posting services in the places it determines, all at the expense of the condemned.

The cost of publication can not exceed the amount fixed for this purpose by the conviction without the display shall not exceed one month.

In case of inability ordered to pay the costs of publication, it is made at the request of the Public Ministry.

7. Presentation of the condemned to the public

Article 92:

In cases expressly determined by law, the penalty of public display may be ordered dependents of a condemned in addition to penal servitude for at least ten years.

The punishment of the condemned presentation to the public can only be executed when the conviction is cast into legal force.

The sentence determines where the convicted person is presented to the public.

The presentation of the condemned to the public is made at the request of the Prosecutor in collaboration with the Municipal Administrator of residence of the offender.

§3. Refunds and damages

Article 93:

Any criminal conviction is without prejudice to refunds and damages that may be due to the parties, at their request or that of the Public Ministry.

Article 94

The court may determine the amount of damages and pronounce automatically refunds and damages owed under the law or local practice.

Article 95:

The enforcement of sentences refunds, damages and charges may be pursued by way of imprisonment in default.

Article 96:

Imprisonment in default is regarded for its execution to penal servitude; its duration is not withholding payment.

Article 97

The duration of imprisonment in default is proportional to the amount due for six months or slice of each one hundred thousand francs.

Article 98:

The convict who proves their insolvency is released after undergoing months of imprisonment in default.

A person sentenced on the basis of Articles 420 to 446 is never deemed insolvent within the meaning of paragraph a of this article.

Article 99:

Civil imprisonment is not exercised or maintained against convicts who have reached their sixtieth year or an incurable disease at an advanced stage observed by an ad hoc medical board.

Article 100:

When the goods of the condemned are insufficient to cover convictions

- the ' fine, refunds and damages int e r ê ts, both last è convictions res have pr e f e rence.

Article 101:

If competition fine with court costs owed to the State, the payments made by the condemned are charged first of these fees.

§4. Protection and safeguard measures applicable to minors children from 15 to 18 years

Article 102:

At the same time he utters a main sentence other than penal servitude, the judge may order the placement of the child in conflict with the law in a foster family or in an institution determines.

Article 103:

In all cases where the judge could impose a sentence of penal servitude less than or equal to a year, there is substituted a community service whose duration does not exceed two hundred and forty hours.

In the application of this Article one month of penal servitude corresponds to twenty hours of community service.

Article 104:

While he condemns the community service , the judge may order socio-judicial follow-up of the minor in conflict with the law. The judgment states the authority responsible for this monitoring.

Section 2: Penalties applicable to legal persons

Article 105:

The penalties incurred by legal persons are the fine and one or more additional penalties listed in Article 108.

Article 106:

For corporations having the status of a commercial company, the court shall apply the following penalties:

1. Where the law provides for the offense of deprivation of liberty for life, the court shall apply a fine equal to half the turnover of the previous year.
 2. Where the law provides for the offense of deprivation of liberty, the judge sentenced to a minimum fine equal one twentieth of the figure of the previous year deal while the maximum amounts
- fined é gale to a quarter of the turnover ' case of ' exercise pr e c e tooth.

Article 107:

Without prejudice to the relevant provisions on additional penalties for corporations, non-profit, the court shall apply the following penalties:

1. Where the law provides for an offense of deprivation of liberty
- perp e tuit ed , the judge applied a fine é gale to one million francs to a minimum and a fine of fifty million francs at most;
2. Where the law provides for a crime of deprivation of liberty, the judge applied a fine of five hundred thousand francs at least and a fine of twenty million francs at most;
 3. When the offense is an offense, the court shall apply a fine of five hundred thousand francs;
 4. When the offense is an offense, the court shall apply a fine not exceeding one hundred thousand francs.

Article 108:

When required by law, the Courts may impose one or more of the following penalties:

1. The dissolution;
- 2 ° prohibition, either permanently or for a period of five years at most, to exercise directly or indirectly one or more professional or social activities;
3. The permanent closure or for a period of five years at the institutions or of one or more business establishments have committed the offense under section 21;
4. The exclusion from public procurement or permanently or for a period not exceeding five years;
- 5 ° prohibition, for a period of up to five years, to make a public offering;
- 6 ° prohibition, for a period of one year at most, to issue checks or to use payment cards,
- 7 ° confiscation of the thing which was used or intended to commit the offense or of the thing which is the product;
8. Advertising of conviction.

Article 109:

The penalties provided in the preceding article are not applicable to the State, to local authorities and to any legal person of public law.

CHAPTER II: PENALTIES APPLICABLE IF SEVERAL OFFENSES CONTEST

Article 110:

There concurrence when several offenses have been committed by the same author no final conviction on any for at least one of them.

Article 111:

There is perfect competition:

1. When the single conduct point of view is likely to several qualifications;
2. When the action comprises the facts constituting separate offenses are united together as arising from a single criminal intent or as each other aggravating circumstances.

In both cases, the strongest penalty is only imposed.

Article 112:

There is real competition when the facts, separate the material point of view, have followed and constituted separate offenses. In this case, it is sentencing for each offense and sentences are cumulative subject to the following provisions:

1. The life imprisonment absorbs right any custodial sentence;
2. The total of the strongest cumulative sentences of penal labor time and fines can not exceed double the maximum penalties provided by either crime charged against the prisoner;
3. The total residence prohibition of imprisonment and house arrest can not exceed twenty years.
4. The total of penalties available to the Government to absorb the right departure orders and sentences of house arrest;
5. The total ban penalties of civic, civil and family temporarily can not exceed twenty years.

Article 113:

The highest penalty is one whose maximum is the highest. If two sentences have the same maximum, the most severe penalty is the one whose minimum is the

higher. If two sentences have the same maximum and minimum even the most severe penalty that is accompanied by a fine.

Article 114:

A fine is always less strong than a sentence of penal servitude.

CHAPTER III: THE RELAPSE

Article 115:

Anyone who has been, for final decision, convicted of an offense to a penalty greater than or equal to one year of penal servitude, committed within five years after the expiration of the sentence or the prescription, an offense that must be punishable by penal servitude for over two months, was sentenced to double the penalty provided by law.

Article 116:

If the first sentence was life imprisonment and the second offense is liable to the same penalty, the convicted person can claim

- lib e ra conditional tion that ' after è s a p ed period s u ret e thirty years. Article 117:

There is no recurrence, when the sentence for the first offense was erased by the amnesty, or if the offender has been irrevocably rehabilitated.

Article 118:

One who was sentenced by a military court only in case of subsequent infringement liable to the penalties of recurrence if the first conviction was for an offense punishable by the law.

CHAPTER IV: CONDITIONAL SENTENCE Article 119:

The Courts, condemning one or more main or supplementary penal servitude sentences, may order by reasoned decision, it is a stay of execution of the judgment or judgment regarding this

or both, for a period which they shall specify the period of time from the date of delivery of the judgment or judgment but which can not exceed five years.

Article 120:

The grant of the suspension is subject to the following conditions:

1. That it is not pronounced against the offender a sentence of penal servitude than two years or a major fine of one hundred thousand francs. ;
2. That the offender has previously incurred over the last five years no sentence to penal servitude or the head of an offense committed in Burundi, punishable irrespective of the fine, with imprisonment of more than six month. However, this restriction does not apply to minors.
3. That the offender has fully restored the money or other property obtained through the offense.

Article 121:

If convicted and sentenced to penal servitude suspended sentence, the trial court may impose on specially condemned the observation of one or more of the following obligations:

- 1 respond when summoned to a prosecutor; 2. Follow education or vocational training;
- 3 ° submit to measures of medical examination, treatment or care under the same hospitalization plan;
4. Refrain from driving certain vehicles determined by the categories of permits under the Highway Traffic Act;
5. Do not engage in professional activity in the exercise or on the occasion of which the offense was committed;
6. Refrain from appearing in any specially designated place;
7. Do not patronize drinking places;

8. Refrain of relating with people, including the victim of the offense;

9 ° Do not hold or carry a weapon;

10 ° submit to one or more obligations under the Code of Criminal Procedure for provisional release.

Article 122:

Failure to comply with any obligation in the previous article entails revocation of right of reprieve.

Article 123:

Stopping or the sentencing judgment is not performed, regarding the easement or criminal penalties, if during the specified period, the convicted incurs no new convictions Chief of punishable offenses, regardless the fine with imprisonment of more than six months.

Otherwise, the penalties for which the stay was granted and which were the subject of the new sentence are cumulative.

Article 124:

In case of suspension applicable to the alternative penal servitude, performance extends

- the '
fine.

Article

125:

If convicted of rape, torture, genocide, crimes against humanity, war crimes, or in case of conviction for attempt or complicity in war crimes, crimes against humanity or genocide, courses and courts can not grant reprieve.

Article 126:

The conviction for a felony or misdemeanor suspended shall be deemed void if the convict who has not committed, within the period of five years from the latter, a crime or a common crime followed by a new conditional sentence which carries no revocation.

PART III: IMPLEMENTATION ARRANGEMENTS OF SOME OF THE CRIMINAL PENALTY BONDAGE

CHAPTER I: THE CONDITIONAL RELEASE Article 127:

Convicts who have to undergo one or more sentences involving deprivation of liberty, may be released conditionally when they made a quarter of both, provided that the period of incarceration already served more than three months.

Lifers can be released conditionally when the period of incarceration already served more than ten years.

The length of incarceration already prescribed the two preceding paragraphs may be reduced when the convicted person has already reached the age of sixty -Ten years or if in the opinion of a panel of three medical experts appointed by the Minister of justice prolonged incarceration can jeopardize the life of the condemned.

Article 128:

Parole can not intervene on behalf of those sentenced after having repaired the damage caused by the offense.

Article 129:

The release can always be revoked for misconduct or violation of conditions set out in the release order.

Article 130:

The final release is acquired convicted if the revocation is not made before the expiry of a period equal to twice the term of imprisonment that -ci still had to undergo at the date the release was ordered in his favor.

Article 131:

Conditional release is ordered by the Minister in charge of justice after advice of the Public Prosecutor and the Director of Prison.

It shall be revoked by the same Minister to the diligence of the Public Ministry.

The temporary re-arrest the parolee may be ordered by the Prosecutor General of the Republic or one of its substitutes to give General in charge immediately advise the Minister having Justice in his attributions.

Article 132:

Reintegration takes place under the revocation order, to complete the term of imprisonment that the execution of the sentence still included on the date of release.

Article 133:

The prescription of penalties does not run while the convict on parole pursuant to a release order has not been revoked.

Article 134:

The Minister responsible for justice shall determine the form of the license release, the terms on which the release may be subject and the mode of parole supervision.

CHAPTER II: PENALTIES FIXED Article 135:

The penalty is called incompressible when the convicted person is required to perform the full sentence without being eligible for any relief measure.

Article 136:

If convicted for crimes of genocide, crimes against humanity, war crimes, intentional homicide, sexual assault, torture and armed robbery, the offender performs the full sentence without the benefit of the provisions on conditional sentencing and release.

PART IV: EXTINCTION OF PUBLIC ACTION, PENALTIES AND CLEAR CONVICTIONS

CHAPTER I: GENERAL PROVISIONS Article 137:

Public action is extinguished by the death of the accused, the dissolution of the corporation, the repeal of the criminal law, res judicata, amnesty or prescription.

The dissolution of the corporation does not prejudice the criminal proceedings against the dissolved corporation executives.

Article 138:

Policy can also turn off transaction and withdrawal of the complaint when the law expressly provides.

Article 139:

The penalty is extinguished by execution, by the death of the condemned, pardon, amnesty, prescription or dissolution of the corporation.

However, it can be proceeded to recover the fine and court costs as well as the execution of confiscation after the dissolution of the Corporation until the close of liquidation.

Article 140:

The penalty may also be changed or erased by grace, conditional release or rehabilitation.

CHAPTER II: THE WITHDRAWAL OF THE COMPLAINT Article 141:

For offenses that may be prosecuted only on the complaint of the injured party, the withdrawal of the latter off public action.

The withdrawal shall be admissible only if it extends to all those who participated in the commission of the offense.

Article 142:

The withdrawal is legal or otherwise. It is implied when the plaintiff has done acts incompatible with the will to persist in its complaint.

Article 143:

The express or implied waiver can not be removed.

Article 144:

To be effective, the withdrawal must, except in cases where the law provides otherwise, intervene before the sentence is final.

Article 145:

If the complaint was filed by several victims during the same offense, the prosecution is not extinguished if all plaintiffs voluntarily dismissed.

CHAPTER III: THE LIMITATION OF PUBLIC ACTION Article 146:

Public action by the infringement is prescribed:

After 1 year of age if the offense is a contravention;

2. After three years of age, if the offense is an offense;

3. After ten years if the offense constitutes a crime punishable by five years to ten years' imprisonment;

4. After twenty years if the offense constitutes a crime punishable by ten years' imprisonment;

5. After thirty years, if the offense is a crime punishable by life imprisonment.

Article 147:

The prescription begins to run the day when all the elements of the offense are met when instant offenses; it runs from the day the criminal state ceased in terms of continuing or repeated infringements.

Article 148:

Prescription is interrupted by acts of investigation or prosecution timely made of one, three or ten years, twenty or thirty years from the day the offense was carried out.

Article 149:

The limitation period for the prosecution of crimes committed against minors does not begin until the civil majority of these.

Article 150:

Public action on crimes of genocide, crimes against humanity and war crimes are imprescriptible.

Article 151:

The civil action arising from an offense is prescribed under the rules of civil law.

However, if the requirement of civil action was acquired while that of public action is not yet completed, the civil action is required according to the rules relating to public action.

CHAPTER IV: THE LIMITATION OF SENTENCES

Article 152:

The fine of less than five thousand sentences are prescribed two years of age, the sentences of five thousand to one hundred thousand francs shall be commenced within four years of age, the sentences of over a hundred thousand to a million ten years old and sentences of more than a million francs thirty years.

Article 153:

penal servitude The penalties are prescribed two years or five years of age, depending on whether or tort matters of misdemeanor.

Article 154:

penal servitude of the criminal penalties are prescribed by a period equal to twice the sentence without this period exceeds twenty.

Perpetual penalties are prescribed by thirty years.

Article 155:

The sentences against the crimes of genocide, crimes against humanity and war crimes are imprescriptible.

Article 156:

The deadlines of the provisions of this chapter run from the date when the judgment or the judgment is final and cast into legal force.

Article 157:

The additional penalty is prescribed at the same time that the sentence which is the accessory.

Article 158:

The escaped convict , prescribed sentence after a period equal to three times the sentence not yet served. This period starts from the day of the escape.

Article 159:

The prescription of the sentence is interrupted by the arrest of the convicted; detention causes suspension of the limitation with regard to the additional penalties.

Article 160:

The civil convictions by criminal courts are prescribed by the rules of the civil code.

CHAPTER V: THE GRACE

Article 161:

Grace consists in the total or partial surrender by the executive of the execution of punishment or in their switching to other less severe penalties prescribed by law.

Article 162:

Grace can be applied to all the main or additional penalties. It does not apply to enforcement by applied for the collection of fines or court costs, or to civil damages.

Article 163:

Only can be a pardon enforceable penalties resulting from a final conviction.

Article 164:

The suspended sentence can not be a blessing as the suspension is not revoked.

Article 165:

Grace may or unconditionally or subject to the execution of a sentence spoken by the decision of grace. If this condition is not fulfilled, the revocation of grace takes place automatically and the sentence is reduced to performance.

In this case, the prescription of the sentence is suspended between notification and dismissal of grace.

Article 166:

Grace does not turn off the additional penalties not covered by the decision of grace nor the effects of the conviction, in particular those relating to recidivism, application of the stay in case of subsequent prosecution and civil penalties such as refunds and the damages.

Article 167:

The clemency are instructed by the public prosecutor attached to the court which pronounced the sentence.

They can also be heard by the prosecutor in the jurisdiction where the applicant resides or the place of his detention.

Article 168:

When General, grace is offered at the behest of the Minister of Justice in its attributions; the request is submitted by the convicted or any person acting on its behalf when it is individual.

Article 169:

After investigation, the grace of files are sent to the Minister in charge of justice powers shall report to the Head of State for discretion.

Article 170:

Grace does not go out the sentences against genocide, crimes against humanity and war crimes.

CHAPTER VI OF AMNESTY

Article 171:

Amnesty is the act by which the legislature prohibited to exercise or continue criminal proceedings and erases convictions.

Genocide, crimes against humanity and war crimes are not subject to any amnesty law.

Article 172:

Amnesty is a general principle; however, it may be limited to certain categories of offenses.

Article 173:

The amnesty is public: it is acquired automatically and without the knowledge and despite those who benefit.

Article 174:

The amnesty sometimes deletes certain offenses determined independently of the sentence, sometimes it is based solely on the percentage of sentences.

Article 175:

The power to interpret the amnesty laws for the judiciary and specifically to the court which pronounced the sentence.

The implementation of amnesty laws is entrusted to a committee set up by the Minister having Justice in his attributions.

Article 176:

The amnesty extinguishes the criminal proceedings; clears or reduces any penal conviction but leaves the provisions with no repressive; it can not be opposed to the rights of the State and third parties. The fines already received and paid fees remain with the treasure.

CHAPTER VII: THE GRACE AMNISTIANTE

Article 177:

Grace amnistiante is the combination of grace and amnesty which Parliament uses to introduce more justice in the application of the amnesty.

Article 178:

The legislature fixed in an amnesty criminal acts which should extend the measure of indulgence, but it leaves to the Head of State to decide then, by way of individual pardon, which of the authors planned events, the only beneficiaries of amnesty.

Article 179:

Grace amnistiante clears or reduces criminal convictions; it leaves the other effects of the prosecution or conviction.

CHAPTER VIII: THE CANCELLATION PENALTIES AND REHABILITATION OF CONVICTED

Section 1: From the deletion of sentences

Article 180:

The criminal sanctions ultimately are transcribed on the criminal record of the convict.

Clearing these convictions is granted automatically to the convicted individual who has, within the period specified below, suffered no new conviction in a criminal or misdemeanor:

1. For the sentence of the fine, after a period of three years from the date of payment of the fine, expiration of subsidiary penal servitude or accomplished prescription;
2. For the conviction to a misdemeanor not exceeding one year, erasing is acquired after a period of five years from the execution of the sentence or prescription.

Article 181:

If convicted of one or more additional penalties, erasure can only occur after you run them.

Section 2: Rehabilitation

Article 182:

Rehabilitation is an act of judicial power that renders the condemned lost rights and removes the effects resulting from the conviction for the future without prejudice to the rights of third parties.

Article 183:

Anyone sentenced the leader of an offense committed in Burundi can be rehabilitated.

Article 184:

Rehabilitation may be requested in court, the lifetime of the condemned, that by it, or is prohibited by his legal representative; in case of death and whether the legal requirements are met, the application may be made by their spouse or ascendants or descendants, but in the period of five years from the date of death.

Article 185:

The application must relate to all the convictions that have not been cleared by a previous restoration.

Article 186:

Rehabilitation is subject to the following conditions:

1. The pecuniary or custodial sentence should have been served or delivered under the right of pardon or be considered void as a result of the conditional sentence;
2. The rehabilitation application can not be filed until a period of five years for those sentenced to a misdemeanor and ten years for convicted of a felony;

This time share for fined the date the conviction became final and, for those sentenced to deprivation of liberty, the date of their final release or day parole if it has not followed by revocation;

This period is fifteen years for the repeat offender and the one that requires the sentence;

3. During this period, the convicted must have been of good conduct and have had some residence;
4. It must not have already enjoyed the benefit of rehabilitation;

5. It must justify, except in the case of prescription, paying court costs, the fine and damages or delivery that is made of it. Without this justification, he must establish that he suffered time imprisonment in default determined by law, or the treasure or the victims of crime have given up this means of execution.

If convicted for bankruptcy, it must justify capital payment of the bankruptcy liabilities, interest and fees or delivery that is made of it.

However, if the convicted person can show that he is out of absolute state to be free of financial penalties imposed on it, it can be restored, even if these sentences have not been paid or have been only partially.

Article 187:

If the injured party can not be found or refuses to receive the amount due, it is recorded in a public fund.

If the party fails to appear within five years to be assigned the money paid, this amount is paid treasure to the diligence of the judge who pronounced the sentence.

Article 188:

The convicted address the pardon to the public prosecutor of his residence. This request shall specify the date of the conviction and the places where the convicted has resided since his release.

The public prosecutor conducts an investigation of morality on the condemned.

He obtains an expedition of sentences, an extract from the register of places of detention where the sentence has been served and noting what has been the conduct of the convicted as well as the judicial records. It transmits the pieces with its opinion to the Attorney General at the Court of Appeal.

Article 189:

The Court by the Attorney General and decide within two months on an application of the latter, the party or its Board heard or duly summoned.

Article 190:

In case of rejection of the application, a new application may be **lodged** before the expiry of a period of two years, unless the rejection of the first has been motivated by the lack of time trials; in this case, the request may be renewed upon the expiration of that period.

Article 191:

Mention of the judgment pronouncing the rehabilitation is made in the margin of the judgment of conviction and criminal record.

Article 192:

The rehabilitation erases the mention of the judicial verdict of rehabilitated.

Article 193:

Rehabilitation is revoked automatically if the convict commits rehabilitated within five years, an offense punishable by penal servitude equal to or greater than five years, followed by a sentence of imprisonment; for this purpose, the Public Prosecutor attached to the court which pronounced the sentence of imprisonment must inform the Attorney General, which took itself the Court of Appeal for a declaration of revocation of the rehabilitation, the party or his board being duly summoned.

In case of dismissal, rehabilitation is considered to have never been granted.

Article 194:

The cost of the rehabilitation process are the applicant's dependents.

SECOND BOOK :

OFFENSES AND SANCTIONS IN PARTICULAR TITLE I: OFFENSES AGAINST PERSONS

CHAPTER I: GENOCIDE, CRIMES AGAINST HUMANITY AND WAR CRIMES

Article 195:

The term genocide any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- 1 ° group Killing members;
2. Causing serious bodily or mental harm to members of the group;
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction;
4. Measures to prevent births within the group;
5. Forcibly transferring children of the group to another group.

Article 196:

A crime against humanity any of the following acts when committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack:

- 1 Killing;
2. Pest;
3. Enslavement;
4. Deportation or forcible transfer of population;
5. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

6. Torture;

7 ° rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of comparable gravity of sexual violence;

8. Persecution of any group or any identifiable community for policy, racial, national, ethnic, cultural, religious, gender as defined in Article 197, 10 °, or based on other universally recognized as impermissible under international law of the jurisdiction of the Court;

9 ° forced disappearances of people;

10 ° apartheid crimes;

11 ° Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Article 197:

For purposes of the preceding article:

1 'Attack against any civilian population "means conduct involving the multiple commission of acts referred to in the preceding article against any civilian population, pursuant to or in furtherance of the policy of a State or an organization with such attack;

2. "Extermination" especially means the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of the population;

3. The term "enslavement", it is meant to exercise over a person any or all of the powers related to property rights, including in the context of human trafficking, especially women and children;

4. "Deportation or forcible transfer of population" means the act of forcibly displacing people, by expulsion or by other means

coercive in the region where they are lawfully present, without grounds permitted under international law;

5. "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or control; the meaning of this term does not include pain or suffering arising only from legal penalties inherent in such sanctions or caused by them;

6. "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law;

7. "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law, for reasons related to the identity of the group or collectivity on the subject;

8. By "crime of apartheid" means inhumane acts similar to those referred to in the previous article, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other group racial or other racial groups and with the intention of maintaining that regime;

9 ° "Enforced disappearance of persons" means where persons are arrested, detained or abducted by a State or a political organization or with the authorization, support or acquiescence of the State or organization who then refuses to admit that these people are deprived of freedom or to give the fate reserved for them or where they are, with the intention of removing them from the protection of the law for a prolonged period;

10 ° The term "sex" refers to both sexes, male and female, within the context of society. It involves no other way.

Article 198:

The term "war crimes" crimes that fall within the framework of a plan or policy or as part of a series of similar crimes committed on a large scale in particular:

1. Any of grave breaches of the Geneva Conventions of 12 August 1949 as follows:

- a. The willful killing;
- b. Torture or inhuman treatment, including expedient biological experiments;
- c. Willfully causing great suffering or serious harm to the physical or to the health;
- d. The destruction and appropriation of property, not justified by military necessity and executed about great scale, is unlawful and arbitrary;
- e. Compelling a prisoner of war or a person protected to serve in the forces of a hostile power;
- f. Willfully depriving a prisoner of war or other protected person of the right to be judged surely and impartially;
- g. The deportation or transfer illegal or detention illegal;
- h. The taking of hostages.

2. Other serious violations of the laws and customs applicable in international armed conflict within the established framework of international law, namely any of the following acts:

- a. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- b. Intentionally directing attacks against the property of character civilian, that is to say goods which are not military objectives;
- c. Intentionally directing attacks against personnel, installations, material, units or vessels employed as part of a mission of humanitarian assistance or peacekeeping in accordance with the UN Charter, provided that they are entitled to protection under international law of armed conflict and guarantees to civilians and property of character civilian;
- d. Making no distinction between military objectives and civilian objects, or damage to civilian property or damage to the natural environment which would be clearly excessive in relation to the whole concrete and direct military advantage anticipated;

- e. The fact ' attack or bombardment, by any means whatsoever, of towns, villages, dwellings, or b â buildings that are no é split and which are not military objectives;
- f. Killing or wounding a combatant who, having d e pos ed weapons or n ' having more ways to d é split, s ' is made in discrete é tion;
- g. The fact ' use ind u ment the pav illon parliamentarian, the flag or the military insignia and ' uniform of the ' enemy or the ' United Nations, as well as the distinctive signs pr e seen by the Conventions Gen è ve and thereby cause loss of life or bl serious essures;
- h. The transfer, directly or indirectly, by the Occupying Power of ' part of its own civilian population into the territory that ' it occupies, or the d é portation or transfer to the ' int ed than or outside the territory occupied ed to the totality ed or ' a pa rt of the population of that territory;
- i. Intentionally directing attacks against the b â buildings devoted é s to religion, to the ' teaching to the ' art, in science or in the ' charitable purposes, historic monuments, h O hospitals and places o ù sick or injured ed es are collated é s, to provided that ' they are not military objectives;
- j. Subjecting people of ' a party fell ed es in its power to physical mutilation or to exp e riences m e dicales or scientific that they that ' they are who are not motivated ed es by treatment m e dical , dental or hospital or performed é 're in the ' int e r ê t these people, and went î NEET death of it or put s e riously endanger their health ed ;
- k. Killing or ble ser tra by î Trise individuals belonging to the nation or to the ' arm é e enemy;
- l. The fact of e declare that ' it n ' is not neighborhood;
- m. The fact of e destroy or seize the property of the ' enemy, except in cases where ù such destruction or seizure be imp é rieu ment command ed es by n e necessity é s of war;
- n. The fact of e declare ed dyed, suspended, or inadmissible in court the rights and actions of the nationals of the hostile party;
- o. The fact that a bellig ed rant compel nationals of the hostile party to take part in the op ed directed war rations e are against their country, m ê my s ' they e were serving that bellig ed rant before beginning the war ;
- p. Pillaging ' a city or ' a locality e , m ê taking me to ' assault;
- q. The fact ' employ poison or ar my poisoned ed es;
- r. The fact ' use of asphyxiating gases, toxic gases or the like, as well as all liquids, mati è res or proc e d e s like;

- s. The use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
- t. The fact ' employ weapons, projectiles, materiè res and m e of warfare methods to cause superfluous injury or unnecessary suffering s or to indiscriminate in violation of international law of armed conflict é s, to the condition that these weapons, projectiles materiè res and m ed methods of war make the ' subject ' ban g e n e ral;
- u. Attacks on the dignity ed of the person, in particular lies humiliating treatment and e degrading;
- v. Rape, ' sexual slavery, prostitution forc e e, pregnancy forc e e, such that d ed over to the ' Section 197, 6 ° , st ed Sterilization forc ed e or any other form of sexual violence constituting a offense gr ave to the Geneva Conventions è ve;
- w. The fact ' use pr e sence of ' civil or ' another person prot é g é e to e prevent render certain points, areas or military forces are the target of ' op ed military rations;
- x. The fact of intentionally directing at the cooker against the b â buildings, the mat é riel, unites é s and medical transports without é avoid that they are the target of ' op ed military rations;
- y. Intentionally directing attacks against the b â buildings, the mat é riel, u ne ed s and medical transports, and personnel using, in accordance ed with international law, the distinctive signs pr e seen by Geneva conventions è ve;
- z. The fact ' starve to e lib é r é ment civilians as m ed method of warfare by depriving them of objects indispensable to their survival, including by preventing ê song intentionally the ' sends aid

under the Geneva Conventions;

- aa. The fact proc ed der to conscription or to the ' Rec O LEMENT d ' children under 15 years in armed forces ed ational or using them to participate actively in the hostilities é s.

3. In case of armed conflict not of an international character, serious violations of Article 3 common to the four Conventions

Geneva 12 August 1949, namely, any of the following acts committed against persons taking no active part in hostilities, including members of

armed forces who have laid down their arms and those who were hors de combat by sickness, wounds, detention or any other cause:

- a. Violations to life and to the 'int ed grit ed body, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - b. Attacks on the dignity ed of the person, including for process costs and humiliating ed degrading;
 - c. Catches of ' hostages;
 - d. The sentences pronounced ed es and ex ed executions performed é are without judgment pr e alable pronounced by a court r é guli è surely constituted ed , affording all judicial guarantees g e n e r ally recognized as indispen sands.
4. Point 3 applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature ;
5. Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely any of the following acts:
- at. Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - b. Intentionally directing attacks against buildings, material, medical units and transport, and personnel using, in accordance with international law, the distinctive emblems of the Geneva Conventions;
 - c. Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a mission of humanitarian assistance or peacekeeping under the UN Charter, provided they are entitled to protection under international law of armed conflict guaranteed to civilians and civilian objects;
 - d. Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided that these buildings are not military objectives;
 - e. The pillaging a town or place, even when taken by assault;

- f. Rape, ' sexual slavery, prostitution forc e e, pregnancy forc e e, such that d ed over to the ' Section 197, 6 ° , st ed Sterilization forc e e, or any other form of sexual violence constituting a serious violation to the Geneva Conventions è ve;
- g. The fact proc ed der to conscription or to the ' Rec O LEMENT d ' children under 15 years in armed forces é es or groups armed é s or using them to participate actively in the hostilities e s;
- h. The fact of ' Order of the e placement of the civilian population for reasons related to the conflict, unless the are cases where ù the s e SAFETY ed civilians or imp e rations soldiers the ' require;
- i. Killing or wounding tra î Trise a combatant adversary;
- j. The fact of e declare that ' it n ' is not neighborhood;
- k. Subjecting people of ' another party to the tomb conflict é es in its power to physical mutilation or to exp e riences m e dicales or scientists what that ' they are who are not motivated ed es by treatment m ed dical, dental or hospital or performed é 're in the ' int e r ê t these people, and that entry has î NEET death of these or are s e riously endanger their health ed ;
- l. The fact of e destroy or seize property of ' an adversary, unless such destruction or seizure be imp é riously command ed es by n e necessity é s the conflict.

6. Point 5 ° applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature . It applies to armed conflicts between and hold on the territory of a State Government authorities of that State and organized armed groups or organized armed groups between them.

Article 199:

Nothing in points 3 and 5 of the previous article shall affect the responsibility of a Government to maintain or restore public order or to defend the unity and territorial integrity by all legitimate means.

Article 200:

The author or co-author of any of the acts constituting the crime of genocide, crimes against humanity and war crimes is punishable by life imprisonment.

Article 201:

Anyone who designs or plans the crime of genocide, crimes against humanity and war crime is punishable by life servitude.

Article 202:

Whoever orders or publicly incites others to commit genocide, crimes against humanity or war crime liable to the punishment of life imprisonment.

Article 203:

Natural or legal persons convicted of genocide, crimes against humanity or war crimes incur at least one of the additional penalties set out in Article 60.

CHAPTER II: Torture and Other Cruel, Inhuman and Degrading

Article 204:

Is considered torture any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or intimidating or coercing a third person, or for any reason based on a discrimination of any kind, when such pain or suffering is inflicted by such a public official or other person acting in an official capacity or at the instigation of or with the consent or acquiescence.

It does not include pain or suffering arising only from lawful sanctions, inherent to such sanctions or caused by them.

Article 205:

Anyone who subjects a person to torture or other cruel, inhuman or degrading treatment is punishable by penal servitude for ten to fifteen years and a fine of one hundred thousand to one million francs.

Article 206:

The offense is punishable by penal servitude for twenty years if committed:

1. On a minor under eighteen years;
2. On a vulnerable person because of his age , his state of health, infirmity, physical or psychological disability or pregnancy;
- 2 ° against a witness, victim or civil party, either to prevent him from denouncing the action, filing a complaint or testify in court, or because of his denunciation of the complaint or statement.
3. For persons acting as perpetrators or accomplices;
4. With use or threatened use of a weapon.

Article 207:

The culprit is punished by twenty years' imprisonment when the torture and other cruel, inhuman or degrading treatment have resulted in mutilation or permanent infirmity or when accompanied by sexual assault.

It is punishable by life imprisonment where it causes the death of the victim.

Article 208:

No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked to justify torture and other punishment or cruel or inhuman or degrading treatment.

An order from a superior officer or a public authority may not be invoked to justify torture.

Article 209:

The penalties provided for in Articles 205, 206, and 207 are incompressible. The judge grants in addition to major penalties, prohibition to exercise the function during which torture was practiced, without prejudice to other additional penalties provided for in this code.

CHAPTER III: HOMICIDE AND INJURY VOLUNTEERS

Section 1: From homicide

Article 210:

Volunteers are trained, the homicide and injuries caused with the intention of attacking the person of a particular individual or one who is found or met, though this plan would be dependent on any circumstances or any condition and at even that the author was mistaken about the person of one who was a victim of the attack.

Section 211:

Any act by which a person intentionally causes death to another person is called murder. It is punishable by life imprisonment.

The murder whose purpose is to prepare or facilitate a crime or a crime, or facilitate the escape or ensure the impunity of the author or accomplice of a crime or offense is punishable by slavery criminal imprisonment.

Section 212:

The murder of the father, mother or other legitimate ascendants and the murder of the father or the natural mother is called parricide. It is punishable by life imprisonment.

Is punishable by life imprisonment the murder committed on his children, brothers or sisters legitimate or natural.

The murder committed by the father or legitimate or natural mother of a newborn child is called infanticide. It is punishable by life imprisonment.

Article 213:

The committed premeditated murder is classed as premeditated. It is punishable by life imprisonment.

There premeditation when the intent to make the homicide was formed before the action.

Article 214:

The murder committed by means of substances that can cause death more or less quickly in any way that these substances have been used or administered qualified poisoning. It is punishable by life imprisonment.

Article 215:

Is punished with imprisonment from one to twenty years and a fine of one hundred thousand francs to one million francs, whoever voluntarily administered substances that can cause death or who, while not likely to give the death, however, can seriously affect health.

Article 216:

Those who qualified for the execution of crimes in the previous articles in this section, resort to barbaric acts are punished with life imprisonment.

Article 217:

Whoever intentionally is guilty of transmission to others from an incurable disease is punishable by life imprisonment.

Article 218:

The penalties under this section are incompressible.

The judge, while he condemned to a main sentence, say a socio-judicial follow-up action without prejudice to other additional penalties provided by this Code.

Section 2: intentional bodily injury

Article 219:

Anyone who has deliberately injured or worn another with blows is punished with imprisonment from two months to eight months and a fine of fifty thousand to two hundred thousand francs or one of these penalties.

In case of premeditation, the offender is sentenced to a prison term of one month to two years and a fine of two hundred thousand francs.

Article 220:

If the blows or injuries caused illness or permanent disability; or if it resulted in the complete loss of the use of an organ or a serious mutilation, or have been brought against a pregnant woman and the author knew the state, the penalties are a prison term from two years to ten years and a fine of fifty thousand to two hundred thousand francs.

Article 221:

Penal servitude under the two preceding articles shall be doubled when the blows and injuries reached either an upward or a spouse or a child under the age of eighteen years, every person living in the same house as the author of the offense, or any other related or allied 4th degree.

Article 222:

Whoever intentionally mutilated body of a person, one of its members or its organs or rendering that member or that organ unfit to function, or caused a person a work disability, infirmity or mental illness permanent or disfigured a person with severe and permanent, shall be punished with imprisonment of ten to twenty years and a fine of hundred thousand to five hundred thousand francs.

Are assimilated to the mutilation of female circumcision practices.

Article 223:

When the blows or injuries made voluntarily but without intent to kill nevertheless have caused, the offender is punished with imprisonment from five to twenty years and a fine of one hundred thousand francs.

Section 3: assault

Article 224:

Are punishable up with imprisonment of seven days and a fine of ten thousand to fifty thousand francs or one of these penalties, the perpetrators of assaults or mild violence exercised voluntarily, provided they did hurt or hit anyone, especially those who intentionally but without intent to insult, launched recklessly on a person any object likely to disturb or pollute.

CHAPTER IV: HOMICIDE AND INJURY INVOLUNTARILY

Section 1: From the manslaughter

Article 225:

Is guilty of manslaughter one who caused death through lack of foresight or precaution, by mistake, carelessness, inattention, negligence or breach of duty of safety or care imposed by law or regulation, but without intent an attempt on the lives of others.

Article 226:

Anyone who has inadvertently caused the death of a person shall be punished with imprisonment of three months to two years and a fine of fifty thousand to five hundred thousand francs or one of these penalties.

Section 2: unintentional injury

Article 227:

If it is the result of breaches mentioned in previous article that blows or injuries, the culprit is punished with imprisonment from one month to one year and a fine of ten thousand to fifty thousand , or one of these penalties.

Article 228:

The penalties provided for in section 226 one who unintentionally caused to another illness or permanent disability by administering substances that are likely to cause death or seriously affect their health.

CHAPTER V: superstitious RACES BARBARIANS AND PRACTICES

Section 1: Superstitious tests

Article 229:

Shall be punished with imprisonment from one month to two years and a fine of fifty thousand to one hundred thousand francs or one of these penalties, the authors of any superstitious race of submitting, willingly or force a person to a real or perceived physical harm in order to deduct product accountability effects of an act or event or any other conclusion.

If the test has caused illness or incapacity for work, or if it resulted in the loss of the absolute use of an organ or a serious mutilation, perpetrators are punished with imprisonment of two to twenty years and a fine of one hundred thousand francs to five hundred thousand francs, or one of these penalties.

They are punished by life imprisonment if the test caused the death of the victim.

Article 230:

Are perpetrators or accomplices to the superstitious test mentioned in the previous article, those who participated as criminal modes of participation provided for in Articles 37 and following of this code.

Also considered as perpetrators or accomplices of that offense who, in any way whatsoever, have deliberately raises the resolution of the claim, the order or practice.

Is considered either as perpetrator or accomplice, the person who consented to undergo the constituent physical harm to the test.

Article 231:

When a superstitious race, whether or not constitutive of the offense is the direct cause of an offense, those involved are punished as accomplices of the subsequent offense, unless they have not have foreseen that she would be committed.

There are no grounds for prosecution when the offense subsequent to the test is theft or unaccompanied detention of abuse on people or other less serious offense.

Article 232:

Are considered to have participated in the constituent not superstitious test offense under the previous article, those who have assisted as modes of participation under this code and those who in any way whatsoever, have deliberately raises the resolution to call to order or perform the test.

Article 233:

Anyone recognized member of a sect or religious association or other intended to harm the physical integrity of the human person is punished with imprisonment from five to twenty years.

Section 2: barbaric practices

§1. The mutilation of a corpse

Article 234:

Is punished with imprisonment of one to five years and a fine of fifty thousand to one hundred thousand francs anyone badly mutilated human body.

Article 235:

Is punished with imprisonment of three months to one year and a fine of ten thousand to one hundred thousand francs or one of these penalties, any person who, with criminal intent, searched a person in a state of dead or unconscious found.

§2. The desecration of cemeteries

Article 236:

Is punished by the penalties provided in the preceding article, whoever destroyed or degraded tombs or sépulturales stones.

§3. Of cannibalism

Article 237:

Whoever caused or prepared acts of cannibalism, participated in, or was found in possession of human flesh for the acts of cannibalism, is punishable by life imprisonment.

§ 4: From duel

Article 238:

Provocation duel is punished with a fine of ten thousand to thirty thousand francs.

Article 239:

Whoever, by any injury, resulting in provocation to the duel, is punishable by a fine of ten thousand to fifty thousand francs.

Article 240:

Whoever fought duel is punished with imprisonment from six months to three years and a fine of ten thousand to fifty thousand francs, or one of these penalties.

Article 241:

Whoever, in a duel, gave death to his opponent, is punished with imprisonment of one to ten years and a fine of fifty thousand to two hundred thousand francs.

CHAPTER VI: OFFENSES AGAINST FREEDOM AND PERSONAL INVIOABILITY TO PRIVACY

Section 1: From the trafficking and smuggling of human beings

Article 242:

Anyone who has entered into an agreement whose purpose is to alienate either gratuitously or for consideration, freedom of another person is punished by penal servitude of five to ten years.

Money, goods and other valuables received in execution of the agreement are confiscated.

Are punished with the same penalties, people who have concluded such an agreement for the purpose of sexual or domestic operations of the victim.

Article 243:

The penalties provided for in Article 242 does introduce in Burundi individuals intended to be the subject of the aforementioned agreement, or removal of individual countries to the Convention to contract overseas.

However, the penalty is increased to twenty years if the person who is the subject, or

- the 'int ed laughing, or in the 'ext ed laughing Burundi, is a child under eighteen years.

Section 2: removal

Article 244:

Is punished with imprisonment of one to five years who, through violence, trickery or threats, sequestered or sequester fact, abducted or kidnapped any person.

If removal or sequestration has been executed, or with the help of a uniform or a badge or regulatory appearing as either a false name or a false order of the public authority, the penalty is servitude of five to ten years.

The same penalty is applicable if the abduction was operated using a motorized means of transport or if the victim was threatened with death.

When abducted or kidnapped person has been subjected to acts of barbarism, the culprit is punished with imprisonment of ten to twenty years.

The culprit is punished with the same penalty if the abducted or kidnapped person has been subjected to a ransom demand.

If these acts caused the death, the offender is sentenced to life imprisonment.

Article 245:

The penalties provided for and the provisions of the preceding article, the one who abducted or kidnapped, arrested or arrested, detained or made detain any person to sell as slaves, or that disposed of those under authority for the same purpose.

Section 3: home invasion

Article 246:

Is punished with imprisonment from eight days to two years and a fine of ten thousand to one hundred thousand francs, the one who, without order of authority and outside the cases where the law allows to enter the home individuals against their will, broke into a house, a room or dwelling inhabited by others or their dependencies, or using threat s or violence s against persons, either by burglary, d climbing or fake keys.

Any official of the administrative order, any judge, any police officer or law enforcement officer who, acting in that capacity, was introduced into the private homes against the wishes of these off the cases and without the formalities prescribed by law, shall be punished with imprisonment of one year to two years and a fine of 50,000 to 100,000 francs.

Article 247:

Any individual, except as provided in the preceding article, enters against the will of the occupant in a house, an apartment, a room, a box, a cabin accommodation or closed their dependencies, is punishable by a prison term of eight days to one month and a fine of thirty thousand francs or one of these penalties.

Section 4: violation of secrecy of correspondence

Article 248:

Any person who, except as provided by law, opened or deleted letters, postcards or other objects entrusted to the post, or ordered or facilitated the opening or removal of these letters, cards or objects shall be punished a fine of fifty thousand to one hundred thousand franc s in each case.

The fine may be increased to two hundred thousand francs if the letter or sending was registered or insured, or if it contains realizable values.

Regardless of the fine, the offender can be punished with imprisonment of six months if postal official or officially commissioned as such.

Article 249:

All officer positions or anyone officially commissioned to ensure the postal service, except where the law so require, revealed the existence or the contents of a letter, postcard or other mailing assigned to the post, is punished with imprisonment from one month to six months and a fine of one hundred thousand francs or one of these penalties.

CHAPTER VII: THE REVELATION OF CONFIDENTIALITY Article 250:

People depositories by status or profession, secrets confided to them that, except in cases where they are called to give evidence in court and when the law requires them to communicate these secrets were revealed them, are punished penal servitude of one month to one year and a fine of twenty thousand to hundred thousand.

CHAPTER VIII: HARMFUL CHARGES, THE INSULTS, DISLIKE OF RACIAL OF CALMONIEUSES DENUNCIATIONS AND HARASSMENT

Section 1: From the damaging charge

Article 251:

Whoever maliciously and publicly attributed a precise fact which is likely to harm the honor and reputation of that person or to expose to public contempt, is punishable by a prison term of one month to one year and a fine of ten thousand to one hundred thousand francs or one of these penalties.

Section 2: Insults

Article 252:

Anyone who has publicly insulted a person is punished with imprisonment from one month to one year and a fine of ten thousand to one hundred thousand francs or one of these penalties.

Section 3: racial aversion

Article 253:

Anyone who has shown an aversion or racial or ethnic hatred or to have incited or encouraged, or committed an act likely to provoke such aversion or hatred, shall be punished with imprisonment from six months to two years and a fine of ten thousand to one hundred thousand francs or one of these penalties.

Section 4: false accusations

Article 254:

Is punished with imprisonment of one to five years and a fine of fifty thousand to one hundred thousand francs or one of these penalties:

1. Whoever made in writing or verbally to a judicial authority or a public official who has the duty to take that authority, a false accusation;

2. Whoever made in writing or verbally to a person slanderous imputations against his subordinate.

Article 255:

Is punished with imprisonment from eight days to one month and a fine of fifty thousand francs or one of these penalties, one that directed against a person insults other than those provided in the preceding provisions of this chapter.

Section 5: Harassment

Article 256:

Qualified harassment, is to make malicious and repeated phone calls, to send another anonymous letters or leaflets or uttering her threats of any kind to disturb its tranquility.

Anyone who has harassed a person under the preceding paragraph is punishable by penal servitude of one month to two years and a fine of ten thousand to one hundred thousand francs.

Section 6: Common provision

Article 257:

For all offenses under this chapter, the judge may, at the expense of the condemned, the publication of the judgment as an additional penalty.

TITLE II: OFFENSES AGAINST PROPERTIES

CHAPTER I: FLIGHT and extortion

Section 1: From simple theft

Article 258:

Anyone who has embezzled something that does not belong to him is guilty of theft.

Article 259:

The embezzlement of phone impulses to the detriment of others is likened to theft.

The fraudulent subtraction of water and electricity to the detriment of others is likened to theft.

Constitute acts of fraudulent water or electricity subtraction:

1. The fact prevent all or part of the water or electricity to be used to go through the counting apparatus;
2. The act of installing a device to prevent the counter to record the water or electricity;
3. The fact by any means whatsoever, to push back the index indicated by the counting apparatus;
4. The fact manipulate the counting apparatus in order to prevent a record of all the amount of water or electricity actually consumed ;
5. The fact of supplying water or electricity by means of a connection without having subscribed to the subscription corresponding to the distributor.

Article 260:

Commits theft customary one who against the owner's option uses a thing belonging to another for a limited time and then abandoned or restores it.

Article 261:

In the absence of any aggravating circumstances specified in Article 262 below, theft as provided in Articles 258, 259 and 260 hereinabove is punished with imprisonment of two months five years and a fine of ten thousand to one hundred thousand francs or one of these penalties.

Section 2: robbery

Article 262:

Theft is punishable by five years to seven years' imprisonment if committed with any of the following circumstances:

- When ' it is committed by a person of e depositary of ' authority é public or charg ed ed ' a mission of public service;
- If the offender has acted by taking the title or tags ' a public official or all e quant a false order of ' authority é public;
- If the flight has e t e a clerk in a local d ' home or to e pendants or a place used é or desti n ed to the ' warehouse O t of funds, securities, commodities or matt é riels;
- If the flight harbor ed on a v e vehicle motorized ed ;
- If the flight harbor ed on the b ed tail;
- If the flight has e t ed by a person normally working in the ' home o ù she theft ed .

Theft is punishable by five to ten years' imprisonment if it was committed with two circumstances specified below:

- When ' it is committed by several persons acting quality é d ' authors or accomplices without that ' they are an organized band é e;
- where it is committed by a person holding public authority or discharging a public service mission;
- If the offender has acted by taking the title or tags ' a public official or all e quant a false order of ' authority é public;
- If the flight é t é committed the night;
- If the flight has e t e a clerk in a local d ' home or to e pendants or a place used é or destiny ed in the ' warehouse O t of funds, securities, commodities or matt é riels;
- If ' author has made use of ' break, d ' climbing or willful distortion are cl e s;
- If the flight harbor ed on a v e vehicle motorized ed ;
- If the flight harbor ed on the b ed tail;
- If the flight has e t ed by a person normally working in the ' home o ù she theft ed ;

- If the flight é t é committed with violence which entered î n e a incapacaci t ed eight days or more.

Theft is punishable by five to fifteen years' imprisonment:

- S ' he e t e committed to at least three of the following circumstances sp ed IAZI ed es;
- If for ease é l ' offense or for his flight, the coupabl ea used e a v e vehicle or any other motorized vehicle ed or not, obtained in the ' using ' a crime or ' a d e bed;
- S ' he e t é committed in organized band é e.

Theft is punishable by five years to twenty years' imprisonment:

- S ' he e t é committed with violence which entered î n ed an inability ed permanent or serious mutilation;
- If the flight é t é committed with the ' use or threat of ' use of ' a weapon;
- S ' he e t é committed in organized band é e and e t e pr e c e d e , accompanied é or monitoring of violence against others.

Theft by an organized gang is punished by ten years to thirty years' imprisonment when committed either with the use or threat of a weapon.

Theft is punished by imprisonment when it is preceded, accompanied or followed by violence causing death.

Section 3: The diversion of pledge or seized object

Article 263:

The fact **for** a debtor, a borrower or a third party pledgor, destroy or divert the object constituted pledge is punishable by two to five years' imprisonment and 50,000 to 100,000 francs fine or one of these penalties.

Section 264:

The penalties provided for in Article 263 does for the debtor, to destroy or divert an object gripped in his hands as collateral for a creditor rights and in his custody or that of a third party.

Section 4: extortion

Article 265:

Is punished with imprisonment from six months to five years to ten years and a fine of fifty thousand to one hundred thousand, one who extorted, using violence or threats, or monies, assets, Goods, bonds, notes, promises, receipts or the signing or delivery of any document containing or resulting in an obligation, alienation or discharge.

Article 266:

The penalty in the previous article is extended to ten years:

1. When extortion is preceded, accompanied or followed by violence upon other persons causing a total incapacity to work for at least eight days;
- 2 when it is committed to the prejudice of a vulnerable person because of age, illness, infirmity, physical or mental disability or apparent pregnancy or known to the perpetrator .

Article 267:

Extortion is punished by twenty years' imprisonment and a fine of one hundred thousand to five hundred thousand francs when it is preceded, accompanied or followed by violence upon other persons causing a disability, disfigurement or permanent disability.

Article 268:

Extortion is punished by twenty years' imprisonment and a fine of one hundred thousand to five hundred thousand francs when committed with the use or threat of any weapon.

Article 269:

Extortion by an organized gang is punished by twenty years' imprisonment and a fine of one hundred thousand francs to five hundred thousand francs.

The penalty is increased to thirty years' imprisonment where extortion is preceded, accompanied or followed by violence upon other persons causing mutilation or permanent infirmity.

Extortion by an organized gang is punished by penal servitude for thirty years when committed with the use or threat of any weapon.

Article 270:

Extortion is punished by life imprisonment and a hundred thousand francs

- five hundred thousand francs ' fine, when ' it is pr e c e d e e, accompanied é e or followed by violence which entered î n e death.

Section 5: Blackmail

Article 271:

Blackmail is the act of obtaining, by threatening to reveal or to impute facts likely to harm the honor or reputation , or the signature or any commitment or a renunciation, or the revelation of a secret or the delivery of funds, securities or any property.

Blackmail is punished by one to five years imprisonment and a fine of fifty thousand to one hundred thousand francs.

The penalty may be increased to ten years when the author has put his threat.

Section 6: From the meanings of terms used in this title

§ 1. Flight committed the night

Article 272:

The theft during the night is theft committed between sunset and sunrise

§ 2. inhabited house

Article 273:

Is deemed inhabited house, every building, every apartment, all accommodation, all houses, all cabin, even mobile, or other place used for habitation.

§ 3. Dependencies of a house inhabited

Article 274:

Are deemed dependencies of an inhabited house, courses, backyard, garden and other enclosed areas, as well as barns, cowsheds, stables and other buildings that are locked up there, whatever the use, when even they would form a special enclosure in the main enclosures.

Article 275:

Mobile parks for containing livestock in the countryside, however they are made, are known house inhabited dependencies when established on the same piece of land, with mobile huts or other shelters for guards.

§ 4. Weapons.

Article 276:

Included in the "weapon", machine, any instrument, utensil or other sharp object, piercing or blunt, which we took up to kill, injure or strike, even if we do not use it.

§ 5. Violence and threats

Article 277:

By "violence", the law refers to the physical stress exerted acts on people.

By "threat", the law means all moral restraints by fear of imminent harm.

§ 6. Break

Article 278:

The break is to force, break, deface, destroy or remove any closure of a house, building, any building or outbuildings, a boat, a car, a car, to force closed cabinets or furniture, intended to remain in place and protect the effects it contains.

Article 279:

Shall be regarded as burglary: the removal of furniture that issue in Article 278; theft committed with a breaking seals.

§ 7. Climbing

Article 280:

Qualified "escalation" any input in houses, buildings, yards, farmyards, any buildings, gardens, parks, yards, run over the walls, doors, roofs or other closure case; entry through an opening other than that which has been established to be used as input.

§ 8. False key

Article 281:

Are called "skeleton keys":

- 1 ° All hooks, nightingales, mat, key imitated, counterfeited or altered;
2. The keys that were not intended by the owner, tenant, landlord or landlord locks, padlocks or any closures opening which the author used them;
3. Lost or subtracted keys that were used to commit theft.

However, the use of false keys constitutes an aggravating circumstance that it was held to open items that the break would have resulted in a harsher penalty.

Article 282:

Anyone who has fraudulently counterfeited or altered key is sentenced to a prison term of three months to two years and a fine of ten thousand to fifty thousand francs or one of these penalties.

If the culprit is a professional locksmith, he is punished with imprisonment from two years to five years and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

CHAPTER II: FRAUD

Section 1: From bankruptcy

Article 283:

Is punished with imprisonment of one to five years and a fine of one hundred thousand francs to five hundred thousand francs, the trader bankrupt who fraudulently:

1. A misappropriated or concealed a portion of its assets or has pleaded're debtor that he was not;
2. A subtracts its books or removed, defaced or altered content.

Article 284:

Is punished with imprisonment from three months to one year and a fine of fifty thousand to two hundred thousand francs, the trader bankrupt that:

1. After cessation of payments, has encouraged a creditor to the detriment of the mass;
- 2 A, for his personal or his household needs, because of overspending;
3. A consumed large amounts to gambling, pure random operations or fictitious transactions;
- 4 ° A, with the intention of delaying bankruptcy, made purchases for resale over the course or in the same situation, comes to borrowing, traffic effects and other ruinous means to obtain funds .

Article 285:

Are punished **are** the penalties provided in section 284, people assumed expenses or losses or could not prove the existence or use of all or part of the asset as it appears in the books and records of the date of cessation of payments and any property of any nature whatsoever, obtained subsequently.

Article 286:

Is punished with imprisonment of three months to one year and a fine of fifty thousand to two hundred thousand francs, the merchant declared bankrupt:

1. Who did not keep the business books or made inventories prescribed by laws and regulations;
2. Whose books or inventories are incomplete, irregular or in a language other than the one whose job, in the field, is required by law;
3. Whose books or inventories does not offer its real assets and liabilities, but nevertheless there is fraud;
4. Who has contracted, without receiving in return values, commitments deemed too large, given his situation when he entered them;
5. Who without the unfortunate and in good faith, has previously been bankrupt;
6. Who, following a previous bankruptcy, has not fulfilled all the obligations of a concordat or current against which the resolution of the Concordat was pronounced;
7. Who did not confess to the termination of payments under the conditions and time limits in the legislation on bankruptcy;
8. Who, without legitimate cause, was absent without permission from the judge or has not visited in person notices that were made to him by the judge or curator.

Section 2: Case similar to bankruptcy

Article 287:

Shall be punished with imprisonment of one to five years and a fine of one hundred thousand francs to five hundred thousand francs, administrators presidents, directors, managers or liquidators of a commercial company declared bankrupt and, generally, anyone who, in law or in fact, directly or through an intermediary, administered, managed or liquidated such a society under cover or in lieu of its legal representatives who fraudulently:

1. Have misappropriated or concealed part of the asset or recognized the company paying the sums that they should not;
2. Have subtracts the books of the company or have removed, defaced or altered the content;
3. Have failed to publish the articles of association or amending acts thereof in the manner and time stipulated by law;
4. Have in these acts, done indications contrary to the truth;
5. Have bankrupted the company.

Article 288:

Shall be punished with imprisonment of one to five years and a fine of hundred thousand to five hundred thousand francs, presidents , directors, managers or liquidators of a commercial company declared bankrupt and, generally speaking, anyone who, in law or in fact, directly or through an intermediary, administered, managed or liquidated such a society under cover or in lieu of its legal representatives who fraudulently:

1. After cessation of payments of the company, have favored a creditor to the detriment of the mass;
2. Have the company engaged in spending or excessive fees;
3. Have on behalf of society consumed large sums at play, or have done for her pure chance operations or fictitious transactions;
4. Have the intention to delay the bankruptcy of the company, made purchases for resale under the course, or in the same intention, engaged in borrowing, effects circulation and other ruinous means raise funds;
5. Have expected expenses or losses, or do not justify the existence or use of the latest inventory of the company's assets and cash, securities, and chattels of any kind which would subsequently void in society;
6. Have operated distribution among members of the company dividends not collected on actual profits.

Article 289:

Are liable to the penalties provided for in Article 288, presidents, directors, managers or liquidators of a commercial company declared bankrupt and, in general, anyone who, in law or in fact, directly or intermediary, administered, managed or liquidated such a society under cover or in lieu of its legal representatives when, by their own fault:

1. The books provided by Decree-Law No. 1/45 of 9 July 1993 laying down general provisions of the Commercial Code have not been kept, the lists provided by the same decree had not been made; they were written in a language other than the one whose job, in this matter, is prescribed by law; they are incomplete or irregular, the same books and inventories do not provide true and liabilities of the company, without, however, that there was fraud;
2. The admission of the company's termination payment was not made in the manner and time limits under the bankruptcy laws.

Article 290:

Are punished by the penalties provided for in Article 288 presidents, directors, managers, representatives of the creditors or liquidators of a commercial company declared bankrupt, and in general, anyone who, in law or in fact, directly or through an intermediary, administered, managed or liquidated such a society under cover or in lieu of its legal representatives:

1. Do not provide information that was requested them, either by the judge or by the trustee, or who have given inaccurate information;
2. Have worn deliberately damage the interests of creditors or the debtor, or using their benefit amounts received in the performance of their mission, or by assigning the benefits they knew not to be due;
3. Do's in their interests, powers they had, they knew a use contrary to the interests of creditors or the debtor;
4. If buyers visited the debtor's property or used them to their advantage;
5. Do not visit in person at the convocation of the judge or trustee without legitimate cause.

Article 291:

Is punished with imprisonment from two months to one year and a fine of twenty thousand to fifty thousand francs a person who, having participated in any capacity in the process, became the owner, directly or indirectly, the goods debtor or used for profit.

Article 292:

Shall be punished with imprisonment of one to five years and a fine of hundred thousand to five hundred thousand francs.

1. Those who, in the interest of the bankrupt, subtracted, hidden or concealed all or part of its assets;
2. Those who fraudulently presented in the bankruptcy of false or exaggerated claims;
3. The curator who has been guilty of embezzlement in its management.

Article 293:

Are liable to the penalties provided for in Article 292, those stated or with the bankrupt or with other persons, special benefits because of their vote in the declaration of bankruptcy, or who have a particular treaty which would result in their favor, an advantage at the expense of the mass.

Section 3: embezzlement

Article 294:

Whoever fraudulently or misappropriated or dissipated to the detriment of others, effects, money, goods, tickets, receipts, writings of any kind containing or resulting in an obligation, alienation or discharge, and had been handed over to the condition of the make or make use or a particular job, is punished with servitude of two months to three years and a fine of fifty thousand to two hundred thousand francs or one of these penalties.

Article 295:

The penalties can be from two years to five years' imprisonment and a fine of five hundred thousand to one million francs or one of these penalties when the breach of trust committed:

1. For a person who appealed to the public to obtain delivery of money or value, either for its own account or as an officer or employee of law or fact of a trade or business;
2. Any other person who, as usual, engages or assists, even ancillary to operations on the third property on whose behalf it collects funds or securities.

Article 296:

The penalties may be increased to ten years' imprisonment and a fine of one hundred thousand to five hundred thousand francs or one of these penalties when the breach of trust is made by a legal representative or a public officer, either in the performance or during the performance of his duties or because of its quality.

Section 4: stellionate and similar cases

Article 297:

Is punished with imprisonment from six months to five years and a fine of five hundred thousand to one million francs or one of these penalties, anyone who sold or gave mortgaging a building that belongs to him not.

Article 298:

Is punished with imprisonment from two months to five years and a fine of fifty thousand to five hundred thousand francs or one of these penalties, anyone who sold or pledged one movable or a right any two or more persons.

Section 5: wear

Article 299:

Is punished with imprisonment of three months to two years and a fine of ten thousand to fifty thousand francs or one of these penalties, who, abusing weaknesses, passions, needs, or the ignorance of the debtor, is due to a credit transaction, loan agreement or other contract indicating a discount of security, regardless of the apparent form of the contract, promise to himself or for others an interest or other benefits clearly exceed the normal interest.

Section 6: From the diversion of labor

Article 300:

Is punished with imprisonment from six months to five years and a fine of hundred thousand to five hundred thousand francs, whoever fraudulently used to its benefit or the benefit of a third party committed the services placed under his orders from the master for a work to be performed for one or others.

Section 7: fraud and deceit

From the §.1 scam

Article 301:

Whoever, with the aim of appropriating something belonging to another, became deliver or deliver funds, furniture, bonds, receipts, or by making use of false names or claiming a false position or using fraudulent means to persuade the existence of fake companies, of a power or of an imaginary credit to engender hope or fear of success, accident or other chimerical event, for otherwise abuse the trust or credulity, shall be punished with imprisonment from two months to five years and a fine of fifty thousand to two hundred thousand francs or one of these penalties.

Item 302:

The penalty is two to five years of imprisonment and a fine of one hundred thousand to one million francs or one of these penalties when the scam is carried out:

1. For a person who appealed to the public for the issuance of securities or for the fundraising for humanitarian or social assistance;
- 2 ° by a person holding public authority or discharging a public service mission, in the exercise of his functions or mission;
3. For a person who improperly appropriates the quality of holding public authority or discharging a public service mission;
- 4 ° to the prejudice of a vulnerable person because of age, illness, infirmity, his apparent physical or psychological disability or known to the perpetrator;
5. In an organized manner.

§.2: From deception

Article 303:

Is punishable by three months to two years of imprisonment and a fine of fifty thousand to one hundred thousand francs or one of these penalties, the one who deceived the buyer:

1. The identity of the thing sold, in fraudulently delivering another thing that the determined object that carried the transaction;
2. On the nature or origin of the goods sold, selling or fraudulently delivering something that, similar in appearance to the one he bought and which he believed buy, disappoint the purchaser in that it mainly sought.

Article 304:

The penalties provided for in section 303 one who, by fraud, cheated:

1. The buyer or seller on the quality of the things sold; 2. The buyer or seller on the amount of things sold;

3. The parties involved in a contract for hire, or any of them, on the elements that should be used to calculate the salary.

Section 8: From RECELEMENT objects obtained through an offense

Article 305:

Whoever receiving stolen all or part things obtained with an offense is punished with imprisonment from six months to five years and a fine of twenty thousand to hundred thousand or of these penalties

Section 9: From fraudulent cel

Article 306:

Shall be punished with imprisonment from eight days to two years and a fine of ten thousand to fifty thousand francs or one of these penalties, those who, having found a chattel belonging to another, or having obtained by randomly possession, fraudulently concealed or delivered to third parties.

Section 10: From off without payment

Article 307:

Is punished with imprisonment from eight days to two years and a fine of 20,000 to 100,000 francs or one of these penalties only one who, knowing that it is absolutely impossible to pay:

1. Has been used in an establishment that for, drinks or foods that are consumed in whole or in part;
2. Has been given accommodation in a hotel where he introduced himself as a traveler;
3. A rented a hire car;
4. If transport is a bus or other public transport means providing paid displacement of people;
5. As is made supplying fuel or lubricant;
6. If offered a telephone service, fax, Internet or secretariat;

7. If that offer water and electricity.

Article 308:

The offenses under section 307 may be prosecuted only on complaint by the injured party. The payment by the author of prices and costs paid before the judgment by the complainant or the withdrawal of the latter off public action.

Section 11: Special Provisions

Article 309:

Are not punishable and can lead to civil damages, committed subtractions:

1. By the ascending to the detriment of their children and other descendants;
2. By the descendants to the prejudice of their ancestors;
3. For a spouse to the detriment of the other spouse, except in cases of petitions for divorce or separation.

Article 310:

Thefts committed between relatives, collateral or marriage up to the fourth degree, can not be prosecuted on a complaint of the injured party. The withdrawal of the complaint ends proceedings.

Article 311:

The provisions of the two preceding articles do not apply to other persons allegedly involved in the theft or concealment of stolen property.

Section 12: Effects NSF

Article 312:

Is punished with imprisonment from one month to two years and a fine equal to twenty percent of the amount carried by the instrument drawn or one of these penalties, one who has fraudulently obtained funds , values or discharge by a shot or effect on a person who does not exist or

a person who had not allowed to shoot it and he knew not to be his debtor or not having to be at maturity.

Article 313:

Is punished with imprisonment of three months to five years and a fine equivalent to twenty percent of the amount charged by check or one of these penalties:

1. One who, in bad faith, issues a check without prior provision available or with a lower provision to the amount of the check;
2. Whoever, except regular opposition in case of loss or inability to receive, withdrew after the show, all or part of the provision made or defense shot to pay;
3. One who gives a check knowing that there is no provision or that provision is insufficient or it is not available;

Article 314:

In the cases referred to the two previous articles, the applicable penalty shall not exceed one quarter of the maximum of imprisonment and fine under the said Articles or one of these penalties only if the holder has satisfied before the court has been seized.

The judge pronounced the same time removing the checkbook to the issuer for a period not exceeding one year.

CHAPTER III: DESTRUCTION, DETERIORATION, DAMAGE

Section 1: From the Fire

Article 315:

Shall be punished with imprisonment from five years to ten years and a fine of hundred thousand to five hundred thousand francs, those who intentionally set fire

- the Buildings or other buildings belonging to others but inhabited at the time of fire.

If the fire has reached the buildings, to the knowledge of the author, sheltering livestock, a stock of food or personal property, the penalty is increased from fifteen to twenty years.

Section 316:

A penalty of life imprisonment, those who set fire to either of buildings, ships, stores, or other places for any housing or at all places even uninhabited, and containing one or more persons at the time of the fire, though, according to the circumstances, the author had to assume he was there one or more people at the time of the offense.

Article 317:

When the fire caused the death of a person or persons who, to the knowledge of the author, were in the scene of the fire at the time of the offense, and if death is to be regarded as a necessary consequence or probably the latter, the culprit is punished by life imprisonment.

Article 318:

Shall be punished with imprisonment of ten to twenty years and a fine of one hundred thousand to five hundred thousand francs, those in cases not covered by the regulations on the burning of grass and growing plants, have set fire to forests, wood and standing crops or cut.

Article 319:

Shall be punished with imprisonment of ten to twenty years and a fine of hundred thousand to five hundred thousand francs, the exclusive owners of the things referred to the two previous articles that are fired in a wicked intention or fraudulent .

Whoever, with intent to commit any of the facts set out in previous articles, set fire to any object positioned to communicate it to the thing he wanted to destroy is punished as if he had been directly fire this thing.

Article 320:

Shall be punished with imprisonment from two months to one year and a fine of fifty thousand to two hundred thousand francs or one of these penalties, those who, without prejudice to the regulatory provisions on fire herbs and growing plants, have, for lack of foresight and precaution, set fire to forests, wood and standing crops or cut.

Article 321:

Is punished with imprisonment from eight days to three months and a fine of ten thousand to one hundred thousand francs, or one of these penalties, the burning of movable or immovable property of another that was caused by lack of foresight or precaution.

Section 2: the destruction of buildings, machinery, and other monuments

Article 322:

Whoever destroyed, overturned or damaged by any means whatsoever, in whole or in part, buildings, bridges, dams, roads, railroads, telegraph or telephone devices or other buildings belonging to another person, shall be punished by a prison term from one month to five years and a fine of ten thousand to one hundred thousand francs or one of these penalties.

Article 323:

Is punished with imprisonment of one to five years and a fine of ten thousand to one hundred thousand francs or one of these penalties, whoever destroyed or degraded commemorative signs of monuments, statues or other articles for the utility or public decoration.

Section 3: the destruction and degradation of trees, crops or other property

Article 324:

Shall be punished with imprisonment from one month to one year and a fine of fifty thousand to one hundred thousand francs, those who, in fenced or unfenced areas, have viciously destroyed or damaged trees, crops, agricultural implements or other property, real or personal, belonging

- others.

Article

325:

Anyone, even without malicious intent, destroyed or degraded, without title or right, trees, crops, agricultural implements or other property, real or personal, is

punished with imprisonment from one month to one year and a fine of ten thousand to one hundred thousand francs or one of these penalties.

Section 4: destruction of animals

Article 326:

Is punished with imprisonment from one to five years who began without authorization any activities that undermine the rare animal species, threatened or endangered, and their natural environment.

Is same penalties whoever undertakes without authorization any activities that undermine the rare animal species, threatened or endangered, and their natural environment.

Section 5: kidnapping, displacement terminals or exceeded

Article 327:

Shall be punished with imprisonment from six months to five years and a fine of ten thousand to one hundred thousand francs or one of these penalties, those who, without being duly authorized, have removed, moved or exceeded and those badly degraded terminals, surveying signals or pins, have changed appearance, indications or inscriptions.

The penalty is one year to five years and a fine of fifty thousand to two hundred thousand francs or one of these penalties if the terminals targeted were established by a judicial authority .

TITLE III: OFFENSES AGAINST PUBLIC FAITH

CHAPTER I: THE INFRINGEMENT, AND FORGERY OF IMITATION SIGN CURRENCY

Article 328:

Shall be punished with imprisonment of five to twenty years and a fine of one hundred thousand francs to one million francs, those who have forged or fraudulently altered or forged metal coins or bearer notes legal tender in Burundi or abroad, and those who entered or issued on the territory of Burundi currency or bearer counterfeit tickets, forged or fraudulently altered

Article 329:

Shall be punished with imprisonment from five years to ten years and a fine of fifty thousand to five hundred thousand francs, those who, without being guilty of participation, have purchased with knowledge, metal coins or banknotes bearer referred to in Article 328, put them into circulation.

Shall be punished with imprisonment of one to five years and a fine of fifty thousand to one hundred thousand francs, those who, in order to put them into circulation, have received or have purchased, metal coins or tickets bearer referred to in Article 328.

Article 330:

Shall be punished by penal servitude of one to five years and a fine of fifty thousand to one hundred thousand francs, those who received vouchers for metal currency or bearer notes legal tender in Burundi or the abroad, counterfeit or forged, have the outstanding knowledge of vices.

Section 331:

Shall be punished with imprisonment from two years to ten years and a fine of hundred thousand to five hundred thousand francs, those who manufactured, distributed or circulated either tokens, medals or metal parts, either printed or formulas, obtained by any method and having their outer shape, with coins or notes bearer legal tender Burundi or abroad, a similarity with the aim to facilitate acceptance in lieu imitated values.

Article 332:

Shall be punished as guilty of fraud as provided for in Article 303, those who gave or offered as payment tokens, medals, metal, or printed forms, obtained by any process and with their external form with currencies or tickets bearer legal tender in Burundi or abroad, a kind of resemblance to facilitate the acceptance instead of copied values.

CHAPTER II: INFRINGEMENT OR FORGERY OF SEALS, STAMPS, PUNCHES AND OTHER POINTS OF AUTHORITY

Section 333:

Shall be punished with imprisonment of five to fifteen years and a fine of one hundred thousand to five hundred thousand francs or one of these penalties:

1. Those who have forged or falsified seals, stamps, punches or other brands of Burundi, of a foreign state or international or national governments;
2. Those who have fraudulently used these counterfeit or forged objects;
3. Those who knowingly exposed or offered for sale.

Article 334:

Are liable to the penalties provided in the preceding article:

1. Those who have received or are improperly procured the genuine seals, stamps, punches or other marks of the State , or of a foreign state, national or international government, made an application or adverse use the rights and interests of the state of any authority or even an individual;
2. Those who fabricated or falsified paper or printed official headers in use in the assemblies instituted by the Constitution, governments, procuratorates or courts;
3. Those who put on sale, distributed or made any use whatsoever of these papers headers so manufactured or falsified.

Article 335:

A penalty of a sentence of five to ten years' imprisonment and a fine of one hundred thousand to five hundred thousand francs or one of these penalties:

1. Those who counterfeit or falsified seals, stamps or other mark of an authority or a private institution, bank, industry or commerce, or an individual;

2. Those who have used these seals, stamps or other authority of brands and counterfeit or forged.

Section 336:

Shall be punished with imprisonment of three to five years and a fine of one hundred thousand to five hundred thousand francs or one of these penalties, those who, without entitlement, have used the flag, of the emblem or the designation of the United Nations or the Red Cross or other similar badges that can be confusing.

The penalty may be increased to ten years, if the flag or emblem of the Red Cross has been misused in wartime by a person who is not entitled under the Geneva Convention of July 6, 1906 on the improvement of the wounded and sick in armies in the Field.

Article 337:

Those who, for the purpose of fraud, did to the mail or postcard stamps of Burundi or foreign states or international organizations alteration or any preparation or have, with or without intent to defraud, counterfeits these stamps or cards shall be punishable by a fine of ten thousand to one hundred thousand francs for each case.

Article 338:

Natural persons guilty of the above offenses enumerated in this chapter may also incur at least one of the following additional penalties:

1. The publication of the judgment or the judgment;
2. The presentation of the condemned to the public;
- 3 ° prohibition of civic rights;
- 4 ° prohibition to hold public or professional function;
5. The permanent exclusion if the convicted person is a stranger;
6. The seizure of the object, or forming the body of the offense, is produced by the offense, is used to commit the offense.

CHAPTER III: THE THEFT OF PUBLIC FUNCTIONS Article 339:

Anyone who is falsely attributed the quality or public officer or rank worn publicly any badge or emblem intended to make believe in the existence of a public office is punished with imprisonment of one to three years a fine of ten thousand to one hundred thousand francs or one of these penalties.

If the badge or emblem is not intended but is simply likely to make believe in the existence of a public trust, the one who publicly took it, left or is carried by a person in his service or under its authority, shall be punished with imprisonment from eight days to one month and a fine of ten thousand to fifty thousand francs or one of these penalties.

Article 340:

The use without right, title attached to a profession regulated by the public authority or an official diploma or a quality which the assignment conditions are set by the public authority is punishable by to three years of penal servitude and a fine of one hundred thousand to three hundred thousand francs or one of these penalties.

CHAPTER IV PORT DECORATIVE ILLEGAL Article 341:

Anyone who publicly wore a decoration, ribbon, or other insignia of an order that is not his, is punished with imprisonment from eight days to one month and a fine of ten thousand to thirty thousand francs or one of these penalties.

CHAPTER V: WRONG COMMITTED IN WRITING AND THE ELECTRONIC dispatches

Section 1: Definition

Article 342:

Is the crime of forgery, alteration of the truth calculated to harm others and committed with criminal intent:

- 1 ° by denaturing the substance or the circumstances of an act;
2. Let writing conventions other than those plotted by the parties;
3. Let noting as true or as false facts avowed facts that were not;
- 4 ° by making all or part of a document;
- 5 ° by counterfeiting or altering paperwork or signatures;
6. Either by false signature;
- 7 ° by substitution of persons;
- 8 ° by addition, subtraction or alteration of clauses, declarations or facts that any act aimed to receive and see.

Section 2: forgery

§ 1. forgery of public or authentic writing

Article 343:

Is punished by penal servitude of one to ten years and a fine of fifty thousand to one hundred thousand francs, any judge, public official or officer who , in the exercise of his duties, has committed a wrong:

1. Either by false signatures;
2. Or by alteration or subtraction acts, writings or signatures;
3. Let by supposition or substitution of persons;
- 4 ° by the writings made or interspersed on registers.

Article 344:

Is punished with imprisonment of one to ten years and a fine of fifty thousand to one hundred thousand francs, any magistrate, any public officer or officer, drafting acts of its function, fraudulently misrepresents

substance or circumstances, either by writing conventions other than those which have been drawn or dictated by the parties or by finding as true the facts he knew to be false, or falsely stating that the facts had been declared or had passed in his presence, in omitting or intentionally altering statements received by him.

Article 345:

Is punished with imprisonment of one to five years and a fine of ten thousand to fifty thousand francs, any person, other than those designated

- the ' Article pr e c e tooth who commits a false e authentic writing or public: 1 °

Either by counterfeit ç one or alt ed ration ' é paperwork or signatures;

2. Or by manufacturing agreements, provisions, obligations or discharges or by their subsequent insertion into these acts;

3 ° by addition, omission or alteration of clauses, declarations or facts that these acts were intended to receive and see;

4 ° by supposition or impersonation.

Article 346:

Is punished with imprisonment from six months to two years and a fine of ten thousand to fifty thousand francs, any person not party to the act, which is before a public officer, a statement that she knew not truthful.

However, benefits from freeing them, the one who, as a witness before a public official, made a statement not truthful, retracted prior to the result of the use of the act harm for others and before he himself was prosecuted.

Section 347:

In the cases referred to in this chapter, one that makes use of the room he knew to be false, shall be punished with imprisonment of one to ten years and a fine of fifty thousand to one hundred thousand francs.

§ 2. forgery of private writing, commercial or banking

Article 348:

Any person who, in one way under section 345 commits forgery of commercial or banking, is punished with imprisonment of one to five years and a fine of one hundred thousand francs one million francs.

The penalty may be increased to twice the maximum in the first paragraph when the perpetrator of the offense is a banker, a company director and, in general, a person who has appealed to the public for the issue of shares, bonds, bills, ports or any securities or a company or a commercial or industrial enterprise.

Article 349:

Any person who, in one of the ways provided for in Article 345, commits forgery of private documents, is punished with imprisonment of one to five years and a fine of fifty thousand to one hundred thousand francs.

Article 350:

In the cases referred to in this chapter, one that makes use of the room he knew to be false, is liable to the penalties repressing the following false distinctions

under Article

348.

§ 3. forgery committed in certain administrative documents and certificates

Article 351:

Whoever counterfeits, falsifies or alters the licenses, certificates, booklets, cards, newsletters, receipts, passports, mission orders, waybills, passes or other documents issued by public authorities in order to establish a right, identity or quality, or to grant an authorization, shall be punished with imprisonment from six months to three years and a fine of fifty thousand to one hundred thousand francs.

Article 352:

The penalties provided in the preceding article are applied to:

- 1 Whoever knowingly uses said counterfeit documents, tampered with or altered;

2. Whoever makes use of a document described in the previous article, knowing that the information contained therein have become incomplete or inaccurate.

Article 353:

Whoever is improperly issuing a document referred to in section 351 or by making false statements or by taking a false name or false status or by providing false information or certificates shall be punished with imprisonment three months to three years and a fine of fifty thousand to one hundred thousand francs, without prejudice to special provisions in this regard.

The same penalties are applied to those who made use of such a document, obtained under the above conditions, or made under a name other than his own.

The issuing or obtains a document designated

Article 351 to someone he knows you are not right, is punishable by a

prison term of one to five years and a fine of fifty thousand francs

hundred thousand francs, unless the act constitutes another offense more

severely punished.

Article 354:

Whoever, without quality, established under the name of a public official or officer, a certificate of good conduct, indigence or telling other circumstances calling benevolence, or certificates for or procure credit relief is punished with imprisonment from six months to two years and a fine of ten thousand to fifty thousand francs or one of these penalties.

Article 355:

The penalties provided in the preceding article are applied to:

1. One who falsifies an authentic certificate to make it applicable to a person other than that to which it was originally issued;

2. Any person who knowingly used a certificate and fabricated or falsified.

If the certificate is issued under the name of a private, manufacturing or use shall be punished with imprisonment from one month to six months.

Article 356:

Is punished with imprisonment from two months to two years and a fine of fifty thousand to one hundred thousand francs or one of these penalties that person:

1. Establishes knowingly a certificate or certificate relating materially incorrect facts;
2. altered or falsified in any way a certificate or certificate originally sincere;
3. Done knowingly use a certificate or an inaccurate or falsified certificate.

Article 357:

False repressed in this chapter, when committed to the prejudice of the State Treasury or a third are punished according to their nature or as forgery of public or authentic writing or as forgery of private writing, commercial or banking.

Section 3: forgery committed in telegrams

Article 358:

The officials, employees and servants of a telegraph service, who committed a wrong in the exercise of their functions, manufacturing or falsifying telegrams are punished by penal servitude of one to five years and a fine of fifty thousand to one hundred thousand francs.

CHAPTER VI: OFFENSES IN CONNECTION WITH THE HOLDING OF ACTS OF CIVIL STATUS

Article 359:

Punished e a fine of ten thousand to thirty thousand francs, any person who, forced to make the declarations of birth and death, does not make them in a legal deadline, or the one convened by officer Vital for

make statements of birth or death, refuses to appear or testify.

Article 360:

Shall be punished with imprisonment from two months to two years and a fine of ten thousand to fifty thousand francs or one of these penalties, the false statements made to the civil officers as to the sayings to be contained in acts or by persons obliged by law to make the declarations, birth or death, or by those who have been convened by the registrar to make a declaration of civil status, or by any other persons who, without being required to make the statements voluntarily appeared before the officer of civil status.

The same penalties are applied to those who gave the mission to commit false declarations mentioned in the preceding paragraph, if this mission was its execution.

Article 361:

If the false statements were made to cover another crime or to commit penal servitude penalty of one to five years and fine of fifty thousand to one hundred thousand francs.

Article 362:

A penalty of eight days to one month and a fine of ten thousand to fifty thousand francs, an officer of civil status who negligently laid any act of civil status without being assured of the required consents.

If the facts were deliberately committed for the purpose of fraud or to obtain any benefit or procure others, the penalty is one to five years and fine of fifty thousand to one hundred thousand francs.

CHAPTER VII: THE FALSE STATEMENTS Article

363:

Is punished with imprisonment from two months to two years and a fine of ten thousand to thirty thousand francs or one of these penalties, who, being required by the authority to declare his identity said as his own, an identity that belongs to others, a purely imaginary identity.

Section 364:

Is punished with imprisonment from six months to three years and a fine of thirty thousand to fifty thousand francs or one of these penalties only one who is presenting as its own documents or objects relating to a specific person, issued or certified by a national or foreign authority or by any other maneuver, has misled the authorities about his identity.

Section 365:

Is the same penalties as the previous article, one that in order to deceive the authority about his identity, handed documents or species of objects not related to the person who uses it.

TITLE IV: OF CRIMES AGAINST PUBLIC ORDER

CHAPTER I: OFFENSES COMMITTED BY PERSONS WHO

EXERCISE A PUBLIC SERVICE

Section 1: Abuse of authority

Article 366:

Is punished with imprisonment of one to three years and a fine of hundred thousand to five hundred thousand francs or one of these penalties, any agent, servant of the government of any rank he may be, which using his authority opposed the execution of either a law or a regulation, or a judicial warrant or a court order.

Article 367:

The prison term is one year to five years and a fine of hundred thousand to five hundred thousand francs or one of these penalties if the offender used violence, required or ordered has made request or order the action or the use of public force to oppose the orderly execution.

Article 368:

If orders or requisitions were the direct cause of other offenses, the penalties are two years to five years imprisonment and a fine of two hundred thousand to five hundred thousand francs or one of these penalties.

Article 369:

Where an agent of the state, a public officer or an executor of a judicial warrant or court decisions or other order or decision of the authority, has no legitimate reason, worn or made use of violence against people in the exercise or on the occasion of the exercise of his duties, he is punished with imprisonment of one to five years and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

Article 370:

Is punished with imprisonment from one month to six months and a fine of fifty thousand to one hundred thousand francs or one of these penalties, officer, NCO or the police officer who, after have been legally required by the public authority empowered by law, refused to act the force under his orders.

Section 2: the exercise of public authority extended

Article 371:

Any agent or public official dismissed, dismissed, suspended, who, after having had official knowledge, continued the exercise of his duties is punished with imprisonment from one month to six months and a fine of fifty thousand hundred thousand francs or one of these penalties.

CHAPTER II: OFFENSES AGAINST PUBLIC ADMINISTRATION COMMITTED BY INDIVIDUALS

Section 1: From Rebellion

Article 372:

Qualified rebellion any attack, any resistance with violence or threats to dealers or agents of authority or the police, acting on the implementation of laws, orders or orders of public authority, judgments or other acts enforceable.

Article 373:

The rebellion committed by one person is punishable by six months to a year of imprisonment and a fine of ten thousand to fifty thousand francs or one of these penalties.

Article 374:

If the rebellion was committed by several people and following a previous agreement, penal servitude is given one year to five years and the fine is ten thousand to one hundred thousand francs.

The prison term is increased from five years to ten years and fine of fifty thousand to one hundred and fifty thousand francs against rebels who made use of weapons were found or carriers.

Article 375:

If rebellion with band or crowd, the rebel without function or employment in the band who retired the first warning of the public authority or even since they were seized from the place of the rebellion without resistance and new unarmed punished with imprisonment from one month to six months and a fine of ten thousand to fifty thousand francs or one of these penalties.

Article 376:

A penalty from eight days to two months and a fine of ten thousand to one hundred thousand francs or one of these penalties:

1. Whoever publicly commits any illegal act, or uses words likely to mark or cause of disregard for established powers, agents of the public authority, emblems or insignia adopted by agents the authority to reveal the existence of a public office or in respect of documents or objects provided in compliance with legal or regulatory provisions;
2. Whoever refuses to provide information requested by the agents of the administration, the judiciary or the judicial police officers or agents of the forces acting on the execution of their duties or who knowingly gives an answer lying to a request of this nature.

Article 377:

A penalty of seven days to one month imprisonment and a fine of twenty thousand to thirty thousand francs or one of these penalties, who, in public, refusing to obey an order from a public officer of the public authority in the exercise of its functions.

The same penalties are applied to that, except in cases of force majeure, does not respond to a summons in writing and registered services from a magistrate by an authority under the provisions of the Code of Criminal Procedure.

Section 2: insults and violence towards in authority or law enforcement

Article 378:

Constitute acts of contempt of words, gestures or threats, writings of any kind or sending any objects addressed to a person discharging a public service mission, in the exercise or on the occasion of performance of its mission and, insulting or defamatory, and likely to impair its dignity or respect for the function vested in it.

Article 379:

The contempt to the Head of State is punished with imprisonment from six months to five years and a fine of ten thousand to fifty thousand francs.

Article 380:

Violence or assault committed against the Head of State shall be punished with imprisonment of ten to twenty years, if they have not been the cause of bloodshed, injury or disease.

If they have been the cause of bloodshed, injury or illness, or if there was premeditation, the penalty is penal servitude thirty years.

If death ensued or if the violence was committed with the intent to kill the culprit is punished by life imprisonment and the death penalty is incompressible.

Article 381:

When the insult is addressed to the head of state, a parliamentarian, a government member, a magistrate, an official or agent of a public authority or public force in the performance or on the occasion of exercise of their functions, the author is punishable by six months to two years imprisonment and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

When the insult takes place at a meeting or a public meeting or a hearing of a Court or Tribunal, sentences are six months to three years and a fine of fifty thousand to two hundred thousand francs or one of these penalties.

Article 382:

The one that hit one or the other person referred to in Article 381 in the performance or during the performance of his duties, shall be punished with imprisonment from one year to three years and a fine of one hundred thousand to three hundred thousand francs.

If the blows have caused mutilation or permanent infirmity, penal servitude is increased from three years to ten years and a fine of three hundred thousand francs to one hundred thousand francs.

If the blows, without intent to cause death, have nevertheless caused, penal servitude is increased from fifteen to thirty years and a fine of one hundred thousand francs to five hundred thousand francs.

Article 383:

Is punishable by two months to five years and a fine of ten thousand to fifty thousand francs or one of these penalties, one that has publicly and contemptuously, removed, destroyed, mutilated, or replaced insulted the flag or the official insignia of the sovereignty of the Republic.

Section 3: Obstacles to the implementation of public works

Article 384:

Whoever, by assault, opposed the execution of ordered or authorized by the competent authority work, is punished with imprisonment of eight days

- two months and ' a fine of ten thousand to thirty thousand francs or ' one of these penalties.

If the opposition to the work place and by crowd violence, assault or threats, the culprits are punished with imprisonment from two to three years and a fine of thirty thousand to fifty thousand francs or one of these penalties.

Section 4: publication and distribution of written

Article 385:

Anyone who is author or knowingly contributed to the publication or distribution of any written in which is not the true indication of the name and address of the author or printer is punishable by a penal servitude for eight days to two months and a fine of ten thousand to fifty thousand francs or one of these penalties.

However, penal servitude may be imposed when the work published without information required is part of a publication whose origin is known by its earlier release.

Article 386:

Are exempt from punishment under the previous article who did know the author or printer and the criers, displays, vendors, or distributors, who have made known the person from whom they hold the offending article.

CHAPTER III: THE OBSTACLES TO ADMINISTRATION AND ATTACKS THE AUTHORITY OF JUSTICE

Section 1: Obstacles to referral to justice

- 1. The disappearance of evidence Article 387:

A penalty of one to three years imprisonment and a fine of fifty thousand to one hundred thousand francs, the fact, in order to impede the establishment of the truth:

1. To change the state of the scene of a crime or offense, or by alteration, falsification or erasing traces or clues, or by providing, moving or deleting objects any;

2. To destroy, remove, conceal or alter a public or private nature of a document or object to facilitate the discovery of a crime or offense, the search for evidence or conviction of the perpetrators.

When the facts provided in this article are committed by a person who, through their duties, is called to contribute to the establishment of the truth, the penalty is one to five years' imprisonment and a fine of one hundred thousand francs to one hundred and fifty thousand francs.

§2. The pressures on the victim

Article 388:

Any threat or any act of intimidation against anyone committed to determine the victim of a crime or an offense not to complain or retract, is punishable by one year to three years of imprisonment and a fine of ten thousand to fifty thousand francs.

§ 3. recèlements

Article 389:

A penalty of six months to two years imprisonment and a fine of ten thousand to fifty thousand francs or one of these penalties, those who harbored or is harboring individuals they knew to be prosecuted or convicted the leader of an offense that the law punishes with imprisonment of at least five years.

Article 390:

Anyone who has concealed or made harbor, hidden or made to hide the body of a person killed for homicide or died from assault, is punishable by three months to two years of imprisonment and a fine of twenty thousand to hundred thousand.

Article 391:

Are not affected by the penal provisions under this paragraph, ascendants, descendants, spouses or wives even divorced, siblings and allies of second degree or accomplices to murder, assault and battery unless individual responsibility is established.

Section 2: obstacles to the exercise of justice

§ 1: denial of justice and violation of procedural deadlines

Article 392:

The fact that a magistrate to deny justice after having been punished is required eight days to one month of penal servitude and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

Is subject to the penalties in the preceding paragraph, the police officer or the examining magistrate who, without reasonable excuse, beyond the limits prescribed by the Criminal Procedure Code.

§ 2. The violation of the confidentiality of investigations

Article 393:

Without prejudice to the rights of the defense, the fact, for anyone who, because of his duties, becomes aware, under the provisions of the Criminal Procedure Code, information from a survey or a current statement regarding a crime or an offense to disclose directly or indirectly to persons likely to be involved as perpetrators, co-perpetrators, accomplices or concealers, in the commission of these offenses, when this revelation is likely to hinder the progress of investigations or the manifestation of the truth is punishable by three months to one year of imprisonment and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

It can also undergo the ban on holding public office for a period of two to five years.

§ 3. Threats and intimidation

Article 394:

Threats or intimidation committed against a judge, an arbitrator, an interpreter, expert or counsel for a party to influence its behavior in the performance of his duties is punishable by three months to one year of imprisonment and a fine of fifty thousand to one hundred thousand or one of these penalties.

Article 395:

If the threat or intimidation emanates from the authority hierarchically superior, the penalty is increased to two years imprisonment and fined five hundred thousand francs.

§ 4. The hit and run

Article 396:

The fact that every driver of a vehicle or land craft, river or sea, knowing that he had caused or brought about an accident, and not to stop and try to escape criminal liability or he may face civil, is punishable by one month to six months of imprisonment and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

Temporary withdrawal of the driving license for a period of three months to one year or permanently can be pronounced guilty of place.

§ 5. The failure to testify in favor of an innocent

Article 397:

The fact that anyone, knowing the proof of the innocence of a person provisionally detained or tried for a crime or offense, to refrain voluntarily to provide testimony immediately to the judicial or administrative authorities is punishable by one month to one year of imprisonment and fifty thousand to two hundred thousand francs fine.

Is exempted from punishment, the one who brings his testimony late but spontaneously.

Are exempted from the provisions of the first paragraph:

1. The direct relatives and spouses of the author or accomplice to the offense that led to the prosecution and his brothers and sisters and their spouses;
2. The perpetrator or accomplice to the offense that led to the prosecution, his direct relatives and spouses;
3. The alloy to the second degree.

§ 6. The refusal to testify

Article 398:

The fact that anyone with knowledge of the perpetrators of a crime or an offense to refuse to answer questions put to him in this regard by the judicial police officer, the officer of the public prosecutor or the judge punished by one month to three months of imprisonment and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

§ 7. The perjury

Article 399:

The false testimony under oath before the courts is punishable by six months to two years imprisonment and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

However, the false witness is exempt from punishment if he recanted spontaneously before the decision terminating the procedure given by the court.

The penalty is one to five years of imprisonment and fined one hundred thousand to five hundred thousand francs:

1. When false testimony is caused by the delivery of a gift or reward of any kind;
2. When the person against whom or in whose favor the false testimony was committed is liable to a criminal penalty.

If the accused was sentenced to life imprisonment, false witness who testified against him was sentenced to life imprisonment.

§ 8. The false oath

Article 400:

False oath is the one that is invoked in support of a false assertion.

It is punishable by one to three months of imprisonment and a fine of ten thousand to fifty thousand francs or one of these penalties.

§ 9. The witness tampering or expert

Article 401:

The act of using promises, offers, presents, maneuvers or tricks in the course of an ongoing judicial procedure in order to persuade others to make or deliver a false statement, misrepresentation or false statement is punishable by two to five years of imprisonment and a fine of fifty thousand to one hundred thousand francs.

§ 10. threats or intimidation directed against witnesses

Article 402:

Is punishable by six months to two years imprisonment and a fine of ten thousand to fifty thousand francs, anyone threatened or intimidated witnesses for their testimony in court.

§ 11. The denaturation translations by an expert

Article 403:

The fact that an expert in all matters, misrepresent or falsify, in his written reports or oral presentations, data or results of expertise is punishable by six months to one year imprisonment and a fine of fifty thousand to one hundred thousand francs.

§ 12. impersonation

Article 404:

Taking full or partial identity of another person under circumstances determined or could determine the latter against criminal charges is punishable by one to three years imprisonment and a fine of fifty thousand to one hundred thousand francs.

The sentences against this crime are cumulative with those that have been imposed for the offense in connection with which the theft was committed.

The penalties in the first paragraph, false declaration concerning the civil status of a person, who determined or have committed criminal proceedings against a third party.

§13. The publication comments

Article 405:

The publication, before the intervention of the final judicial decision, comments tending to exert pressure in order to influence the witness statements is punishable by one month to three months of imprisonment and a fine of one hundred thousand francs two hundred thousand francs or one of these penalties.

When the offense is committed through the press or by broadcasting, the specific legal provisions governing those matters are applicable as regards the determination of those responsible.

Section 3: damage to the authority of justice § 1.

The false denunciation Article 406:

Without prejudice to the application of Article 14 of Law No. 1/12 of 18 April 2006 on the prevention and punishment of corruption and related offenses, the fact to denounce the judicial or administrative authority false facts constituting a crime or offense that exposed the judiciary to unnecessary investigations is punishable by one month to three months of imprisonment and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

§2. The breaking of seals

Article 407:

Whoever purposely damaged or removed an official mark including a seal affixed to lock or identify an object or has thwarted the effect is punished with imprisonment from six months to two years and a fine thirty thousand to fifty thousand francs or one of these penalties.

Article 408:

If the breaking of seals is committed with violence against people, the culprit is punished with imprisonment from two years to three years and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

Article 409:

If the offense was committed by the guardian himself or the officer who operated the affixing penal servitude may be increased to five years and fined one hundred thousand francs.

TITLE V: OFFENSES AGAINST RIGHTS GUARANTEED TO INDIVIDUALS

CHAPTER I: OFFENSES AGAINST FREEDOM OF WORSHIP

Article 410:

Shall be punished with imprisonment from eight days to two years and a fine of five thousand francs or one of these penalties, any person who, by violence, insults or threats, disturbances or disorders, have undermined freedom of worship or at the free public exercise, and freedom consciousness.

CHAPTER II VIOLATIONS OF BROUGHT BY OFFICIALS PUBLIC RIGHTS GUARANTEED TO INDIVIDUALS

Section 411:

All arbitrary acts freedoms and rights guaranteed to individuals by laws, decrees, ordinances and regulations, ordered or executed by a public official or officer, by a custodian or agent of the authority or

of

the forces shall be punished with imprisonment of fifteen days to one year and a fine of ten thousand francs or one of these penalties.

TITLE VI CRIMES AND CRIMES AGAINST NATURE OF ECONOMIC AND PUBLIC THING

CHAPTER I: OFFENSES THE PROPER FUNCTIONING OF THE NATIONAL ECONOMY

Article 412:

Is punishable by six months to two years imprisonment and a fine of fifty thousand to one hundred thousand francs anyone using threats, violence, assault or fraud, causes or maintains a concerted cessation of work in order to force the rise or fall of wages or impair the free exercise of industry or work.

Article 413:

A penalty of six months to two years imprisonment and a fine of one hundred thousand francs to one million francs, workers and management staff who, without authorization, disclose trade secrets of their business to people outside it.

Article 414:

A penalty of one to five years' imprisonment and a fine of one hundred thousand to one million francs or one of these penalties, anyone, through concerted action, making use of inaccurate information or tendentious or making use of threats, assaults, or concealing stocks of goods and materials held or is holding, has obstructed the free market competition or the normal supply retail traders or the public .

Article 415:

The penalties provided in the preceding article are applicable to those in public auctions or tenders for procurement, hampered or disturbed freedom of auction or bids by assault, threats, promises, false news, price fixing or fraudulent concerted action.

Article 416:

A penalty of five to ten years of imprisonment and a fine of five hundred thousand francs:

1. Any person who, acting on behalf of the state government, local authorities, public institutions, parastatals or mixed economy, banking organizations, self-governing units of consumption, industrial production or agricultural, any private organization that manages a public service, passes for personal purposes, a contract, agreement or market it knows to be contrary to fundamental economic interests of the Nation;
2. Without permission , all commercial, industrial, artisan, entrepreneur, or in general any person that passes, even occasionally, a contract or agreement with the state or any of its agencies referred to in paragraph previous, by leveraging the authority or influence of agents of these bodies to increase the prices they normally practice and usually or change to their benefit food quality or delivery times;
3. Without prior authorization, unauthorized way and without real needs reflecting the requirements of the distribution system, contributes to the artificial price increases, changes to its advantage the food quality or disrupts the delivery.

Article 417:

Every person in the exchange regulations that person:

- 1 Viola obligation or prohibition on transfers of funds, the statements of assets, possession or trade of precious metals or precious stones;
2. Offer to sell or buy currency, cash, securities, even if these offers are not accompanied by any delivery or presentation;
3. Provides services as intermediary, either to dealers report or to facilitate negotiations through even when that is not paid.

Article 418:

Is punished by two months to two years of imprisonment and a fine equal to the legal value of the corpus delicti has been the subject of the offense, any person who commits an offense in currency regulation referred in the previous article. In case of repetition, penal servitude is fixed penalty under section 115.

Article 419:

Independently sentences in the previous section, it is proceeded to the seizure of the body of the offense.

When, for whatever reason, the corpus delicti has been entered or is not represented, the offender is fined an amount equal to the value of corpus delicti.

CHAPTER II: CORRUPTION AND RELATED OFFENSES

Section 1: From Corruption

Subsection 1: From the corruption of public officials

§ 1. passive bribery

Article 420:

Punished **e** with imprisonment from five years to ten years and a fine range from simple to double the value of illicit profit gained, a person holding public authority responsible for a service mission public or holding elected public office, who requested or authorized, without the right, directly or indirectly, for its own account or the account of others, offers, donations, gifts or any benefits to do or abstain from doing an act of its function or mandate or facilitated by his function, mission or mandate.

Article 421:

Punished **e** with imprisonment of ten to fifteen years and a fine ranging from simple to double the value of illicit profit gained, a person holding public authority responsible for a service mission public or

invested with elected public office, who requested or authorized, without the right, directly or indirectly, for its own account or the account of others, offers, donations, gifts or any other advantages to achieve an unjust act .

Article 422:

Without prejudice to the application of other penal provisions, the culprit is punished with imprisonment of fifteen to twenty years and a fine range from simple to double the value of illicit profit gained, if requested or approved without the right, directly or indirectly, for its own account or the account of others, offers, donations, gifts or any other advantages to commit in the exercise of its function, its job or mission any offense.

Is same penalties, a judge or arbitrator who is guilty of corruption in a dispute that slice.

It is the same for any public official responsible for the fight against corruption or any public authority who takes bribes as part of his duties.

Article 423:

Is punished with imprisonment of twelve to fifteen years and a fine ranging from simple to double the value of illicit profit gained or agent of the judicial order, any public prosecutor or the police judicial receives or agrees to receive offers or promises in order to make a decision that should not be.

Article 424:

Is punished with imprisonment of twelve to fifteen years and a fine of two hundred thousand to five hundred thousand francs, whoever mentioned in articles 420 to 423 of this Code, explicitly or implicitly demanded, benefited subjected to sexual acts or accepted the promise to ask or refrain from an act which falls within its remit.

The penalty is increased to an easement of fifteen to twenty years and a fine of five hundred thousand to one million francs if the offender is a teacher or a teacher who asked these acts against his schoolboy his pupil and his student regardless of gender.

Section 425:

Is punished with imprisonment of one to three years and a fine of two hundred thousand to five hundred thousand francs, any public official or any public authority which accepts donations of any person or any benefit likely have influenced or influence the treatment of a process or transaction related to its functions.

§ 2. active corruption

Article 426:

Is punished with imprisonment from five years to ten years and a fine range from simple to double the value of illicit profit gained, the mover without the right, directly or indirectly, offer, promise , donations, gifts or any benefits for a person holding public authority, discharging a public service mission or holding elected public office, to perform or refrain from perform an act of his function, mission or mandate or facilitated by his office or his term.

Is same penalties apply to yielding to a person holding public authority, discharging a public service mission or holding elected public office, seeking, without the right, directly or indirectly, offers, promises, donations, gifts or any benefits to do or abstain from doing an act described in the preceding paragraph.

Sub-section 2: the corruption of people not exercising a public function

Article 427:

Is punished with imprisonment from two years to five years and a fine range from simple to double the value of illicit profit gained, anyone who proposed at any time, directly or indirectly, offers, promises, donations, gifts or any benefits for a person who without holding public authority or discharging a public service mission, exercised within the framework of a social or professional activity, function directs or works for a natural or legal person or any organization to perform or abstain from performing any act of its activity or function or facilitated by its activity or function, in violation its legal obligations, contractual or employment.

Article 428:

Is same penalties, the one who sold to a person referred to in the previous article that solicits, at any time, directly or indirectly, offers, donations, gifts or any benefits to do or refrain from accomplish anything mentioned in the same article, in violation of its legal obligations, contractual or employment.

Article 429:

Is punished with imprisonment from two years to five years and a fine range from simple to double the value of illicit profit gained, any person who, without holding public authority or discharging a public service mission, exercised within the framework of a social or professional activity, a function directs or works for a natural or legal person or any organization, requested or authorized, at any time, directly or indirectly, offers, promises, donations, gifts or any benefits to do or abstain from doing an act of its activity or function, or facilitated by his activity or function, in violation of its legal obligations, contractual or professional.

Section 2: Punishment of offenses related to corruption

Subsection 1: From extortion

Item 430:

Is punished with imprisonment from five years to twenty years and a fine of fifty thousand to five hundred thousand francs, any person holding public authority or discharging a public service mission, which receives calls or orders to collect as fees or contributions or taxes, fines or bail, or interest income, a sum she knows is not due or exceed what is owed.

Is punishable by the same penalties the fact, by the same people, to grant any form and for any reason whatsoever exemption or duty free, contributions or taxes, fines or bail, income or interests in violation of laws and regulations and make free or low price, the delivery of public goods.

Subsection 2: From influence peddling

Article 431:

Is punished with imprisonment from five years to ten years and a fine of fifty thousand to five hundred thousand francs, any person holding public authority, discharging a public service mission or invested with elected public office, who requested or authorized, without the right, directly or indirectly, for its own account or the account of others, offers, promises, donations, gifts or any other advantages to use his real influence or supposed to get an authority or public administration distinctions, jobs, contracts or any other favorable decision.

Article 432:

The penalties brought to the previous article, the proposer, without the right, directly or indirectly, offers, promises, donations, gifts or any benefits for a person holding public authority, discharging a public service mission or holding elected public office, she uses her real or supposed influence in order to obtain an authority or public administration distinctions, employment, markets or any other favorable decision.

Article 433:

Is same penalties under Article 431, the one who sold to a person holding public authority, discharging a public service mission or holding elected public office seeking, without right, directly or indirectly, offers, promises, donations, gifts or any other advantages to use its influence in the conditions referred to in the previous article.

Section 434:

Is punished with imprisonment from three years to five years and a fine of fifty thousand to five hundred thousand francs, anyone who solicits or approved without the right, directly or indirectly, offers, gifts, presents or benefits for any use his real or supposed influence in order to obtain an authority or public administration distinctions, jobs, contracts or any other favorable decision.

Is same penalties apply to yielding to the demands set out in the preceding paragraph, or offer without the right, directly or indirectly, offers, promises, donations, gifts or any benefits that a person uses her real or supposed influence in order to obtain an authority or public administration distinctions, jobs, contracts or any other favorable decision.

Subsection 3: From the subtraction and diversion of goods

Article 435:

Is punished with imprisonment of ten to twenty years and a fine of fifty thousand to one million francs, any person holding public authority, discharging a public service mission, while public accountant, all age depositary or one of his subordinates, who destroys, converts or subtracts a deed or title of public or private funds, bills, coins or securities in lieu thereof, or any object that has been postponed due to him its functions or mission.

Article 436:

When the destruction, misappropriation or embezzlement by a third of the property described in the previous article is the result of the negligence of a person holding public authority or discharging a public service mission, a public accountant or a public depositary, it is punished with imprisonment of one to two years and a fine of ten thousand to fifty thousand francs.

Subsection 4: fraudulent management

Article 437:

Is punished with imprisonment of ten to twenty years and a fine of fifty thousand to one million francs, any person holding public authority, discharging a public service mission or invested with elected public office, any public accountant, all age depositary or one of his subordinates, who commits for fraudulent purposes of irregularities in the implementation of accounts and budgets of the state government, local authorities, institutions public, companies with public participation or mixed economy, banking organizations, self-governing units of consumption, industrial or agricultural production, any private organization that manages a public service. The proceedings are instituted against all those who took part in the infringement in the knowledge of the non-authenticity of the cash or securities.

Subsection 5: From illicit enrichment

Article 438:

Is punished with imprisonment of three to five years and a fine range from simple to double the value of the property, any person holding public authority, discharging a public service mission or invested an elected public office, including the illicit origin has been established by a court ruling.

Subsection 6: From favoritism

Article 439:

Is punished with imprisonment of one to three years and a fine of fifty thousand to one hundred thousand francs, any person holding public authority, discharging a public service mission or invested with elected public office or exercising certain functions in state structures, public administrations, local authorities, public institutions, companies with public participation or mixed economy, banking organizations, self-governing units of consumption, industrial production or agricultural, any private organization that manages a public service, which has provided others an unfair advantage an act contrary to the laws and regulations designed to ensure equal access and equal candidates for public office, in public procurement and contractual transfers of public service management.

Subsection 7: unlawful taking of interest

Article 440:

Is punished with imprisonment from five years to ten years and a fine of five hundred thousand to one million francs, any person holding public authority or discharging a public service mission or a invested person elected public office, which takes, receives or retains, directly or indirectly, any interest in a company or in a transaction which it has at the time of the act, in whole or in part, the load ensure the monitoring, administration, liquidation or payment.

Is punished with imprisonment from two years to five years and a fine of two hundred thousand francs, anyone who has been charged, as a public officer or servant or agent of a responsible public administration, even because of its function for supervision or direct control

a private company, or to express its opinion on the operations performed by a private company and, on leave position, layoff, or after admission to retirement, or after resignation, removal or revocation and for a within three years from the termination of the function, exercised in this business any mandate or a remunerated activity in any manner whatsoever.

Subsection 8: From bleaching

Article 441:

Commits the offense of money laundering and is punishable by penal servitude for ten to fifteen years and a fine of up to ten times the value of the laundered property, proceeds anyone:

1. A conversion, transfer or disposal of property in perfect knowledge that they are the product of an offense to conceal or disguise the illicit origin of the property or of helping any person involved in the commission the offense to evade the consequences of his action;
2. The concealment or disguise of the true nature, origin, location, disposition, movement or ownership of property or rights of an offense products;
3. The acquisition, possession or use of property, originally at the time of acquisition, possession or use, is the product of an offense.
4. To participate in any of the acts referred to above three points, association to commit the act, aiding, encouraging or advising someone to commit or the fact of facilitate implementation.

Subsection 9: active bribery of foreign public officials, officials of public international organizations and non-governmental organizations

Section 442:

Is punished with imprisonment from five years to ten years and a fine range from simple to double the value of illicit profit gained, one who proposed, offered or granted without the right, directly or indirectly, offers, promises, donations, gifts or any benefits to achieve

a foreign public official, an official of a public international organization or an NGO, she act or refrain from acting in the exercise of his official duties or retain business or other advantage in connection with international trade activities.

Is same penalties any person having served as an intermediary in the commission of an offense under this section.

Subsection 10: Additional penalties

Article 443:

Natural persons convicted of any offense under this chapter may also incur at least one of the following additional penalties:

- 1 ° confiscation as provided by the relevant provisions of this Code;
2. The definitive ban on Burundian territory for a fixed period not less than five years for all foreign;
- 3 ° prohibition for a period of ten years at most, to hold public office or to exercise professional or social function in the performance or during the performance of which the offense was committed ;
- 4 ° prohibition of civic, civil, political and family as determined by law;
5. The display or dissemination of the decision pronounced.

Article 444:

The guilty corporations of any offense under this chapter may also incur at least one of the following additional penalties:

1. The special forfeiture as provided by this code.
2. For a period of up to five years:

- the ' ban ' exercise directly or indirectly ' activity é professional or social in which or to the ' occasion of the ' exercise of which the ' offense é t é committed;
- closing ed institutions of ' enterprise used to commit the facts incrimin e s;
- the ' exclusion of market é s public.

3. The display or dissemination of the decision pronounced.

Article 445:

Those sentenced for offenses under this chapter may not benefit, no grace, no amnesty or grace amnistiante as long as they have not performed the civil damages ordered by the trial court.

Subsection 11: Exemptions and mitigation of sentences

Article 446:

Except in cases of recurrence in corruption, is exempt from punishment any person, author or accomplice of bribery that before any prosecution, revealed the violation of administrative or judicial authority and identified others questioned.

Except as provided in the preceding paragraph, the maximum penalty for any person, author or accomplice of a corruption offenses which, after prosecution, allowed or facilitated the arrest of others involved is halved.

In addition, it is exempt additional penalties provided by this Code.

In any case, it never did return to the corrupting things by him delivered. They are forfeited to the Treasury.

CHAPTER III GAMING, LOTTERY AND PREDICTIONS COMPETITIONS

Section 1: gambling

Article 447:

Games of chance are those where chance is the essential and predominant element predominates and the address, gender or combinations of players that engage them, hoping to achieve an appreciable gain, sums of relatively considerable money with regard to their contributory power.

The holding of gambling is the fact of organizing or facilitating another's passion for these games, to derive monetary benefit staff.

Gambling is prohibited in public places or open to the public, in all unfenced places where the public can view directly, and in all other places, even private, where anyone wishing to gamble is freely allowed to enter.

Gambling is prohibited for minors under eighteen years.

Article 448:

A penalty of one year to two years of imprisonment and a fine of fifty thousand francs at most or one of these penalties:

1. Whoever held gaming in places and under the conditions specified in Article 447;
2. Anyone who has played games of chance in these same places and conditions.

Section 2: Lotteries

Article 449:

Lotteries are prohibited.

Are deemed lotteries, any transactions offered to the public under any name whatsoever and intended to engender hope of gain that would be acquired by drawing lots.

Section 450:

The authors, contractors, officers, servants or agents are punished lottery a year to two years imprisonment and a fine fifty thousand francs at most .

Confiscated, moving objects raffled and those used or intended for his service.

When building was raffled, special confiscation is replaced by a fine of fifty thousand to two hundred thousand francs.

Article 451:

The same penalties are :

1. Those who have placed or distributed hawked lottery tickets;
2. Those who, reviews, advertisements, posters, or any other means of publication, made known the existence of lotteries or facilitated the issuance of tickets.

In any case, tickets, announcements, advertisements or posters are seized and destroyed.

Article 452:

Are exempt from the penalties provided in the preceding article, the criers and displays who made known the person from whom they hold such notes or written above.

Article 453:

Are exempt from these provisions, lotteries and games of chance organized or authorized by the authorities and exclusively for charitable deeds, to the encouragement of industry, arts or sports or any other purpose of public utility, when they were allowed:

1. By the Interior Minister, if the issuance of tickets is made and announced or published in more than one province;
2. For the Provincial Governor, if the issuance of tickets is made and announced or published in one province.

Article 454:

Also exempt:

1. The financial operations of the state, made with premium or repayable by drawing lots;
2. The same kinds of financial transactions made by foreign powers, when the issue of shares related to these transactions were authorized by the President of the Republic or his delegate;
3. The financial operations of the same kind made by the municipalities, and the operations of companies incidentally making payments with premiums by way of fate, when they have been authorized by the President of the Republic or his delegate.

Section 3: prediction competitions

Article 455:

A penalty from eight days to three months imprisonment and a fine of two hundred thousand francs at most, or one of these penalties:

1. Whoever, for the purpose of profit, organized or operated on behalf or for another account predictions contest;
2. Whoever, for free or for a fee, has mediated in a prohibited predictions contest, either by transferring funds or disseminating newsletters and advertisements of the company that organizes and operates this contest.

Article 456:

In all cases, the money games, newsletters, advertisements and operating equipment confiscated.

Article 457:

Are exempt from these provisions, forecast contests organized in accordance with Article 453.

CHAPTER IV: OFFENSES RELATING TO PUBLIC AND PRIVATE COMPANIES

Section 1: Offenses related to the incorporation of companies

Article 458:

Shall be punished with imprisonment of one to five years and a fine of one hundred thousand francs to one million francs partners and founders of companies who knowingly made in the articles of association at the foundation or the capital increase, a false statement concerning the distribution of shares and shares and release.

Article 459:

Shall be punished with imprisonment from six months to five years and a fine of one hundred thousand to five hundred thousand francs or one of these penalties:

1. Those who caused either subscriptions or payments or purchases of shares, bonds or other securities of companies:

- Simulation subscription or payment to a soci é t é ;
- by publication subscription or payment that ' they know do not exist;
- the publication of names of people to e sign e es as e as before or ê be attach ed es to the soci é t é in any capacity so that ' they know these d é signations contrary to the v ed laughs ed ;
- the publication of all other facts that ' they knew ê false being.

2. Those who, directly or through a person opened a public subscription of shares in the sale of bonds or other securities of a company which is not authorized to make a public offering.

Section 2: offenses related to the operation of companies

Article 460:

A penalty of fifty thousand to five hundred thousand francs of fine, managers, general managers, directors, members of the management or supervisory board or directors of companies:

1. Do not set each year the balance sheet and other applicable accounting documents and a report on the operations of the financial year;
2. Have refused or neglected to communicate to partners and shareholders before the meeting the balance sheet and other documents required to assess their management;
3. Have refused or neglected to prepare the minutes of deliberation a general meeting; failed to publish within the prescribed period the deliberations leading to modification of the statutes, powers of managers, general managers, directors, members of the Management or Supervisory Board, or Corporate Directors, or the capital regarding companies capital.

Article 461:

Shall be punished with imprisonment of one to five years and a fine of one hundred thousand to one million francs, managers, general managers, directors, members of the management or supervisory board or directors of companies :

- 1 Fraudulently, were attributed to a contribution in kind a higher valuation than its real value;
2. In the absence of accounts or using fraudulent accounts, knowingly made between the associated distribution of fictitious dividends;
3. Even in the absence of any dividend distribution, knowingly presented to partners and shareholders an inaccurate assessment in order to conceal the true situation of the company;
4. From bad faith, have property or funds of the company, the powers they possessed or voices they had, they knew a use contrary to the interests of the company, for personal gain or promote another company or business in which they were interested directly or indirectly.

Article 462:

Shall be punished with imprisonment of three months to two years and a fine of fifty thousand to three hundred thousand francs:

1. Those who, posing as owners of shares or bonds that do not belong to them, took part in the vote in a meeting of shareholders or bondholders;
2. Those who have submitted shares or bonds to make use above expected.

Article 463:

The provisions of Articles 460 and 461 shall apply to any person who, directly or through intermediaries, in fact exercised the management of a company

- responsibility é limit é e under cover or in lieu of its repr e tives l e equal.

Section 3: offenses related to corporate control

Article 464:

Is punishable by three months to two years of imprisonment and fifty thousand to hundred thousand francs of fine, any auditor, while independent auditor who knowingly or confirmed false information on the situation of the company.

Half of the penalties provided in the preceding paragraph are applicable to managers, general managers, directors, members of the management or supervisory board or directors of companies who knowingly put barriers checks and controls of members of state institutions controls, statutory auditors and independent auditors or refused their communications on site, all necessary documents for the exercise of their mission and including contracts, books, accounting documents and records and minutes.

Section 4: From the misuse of corporate assets

Article 465:

Is punished with imprisonment from two years to five years and a fine of fifty thousand to one hundred thousand francs, any official or agent of a public or private company that makes use his property he knew otherwise the interests of society.

Section 5: Offenses related to the liquidation of companies

Article 466:

The penalties provided for in Article 461 shall apply to the liquidator of the company who refuses or fails to communicate to the liquidation accounts associated to convene the general meeting.

The penalties of section 464 apply to the liquidator of the company, bad faith:

1. Made property or the Company's credit liquidated use he knew contrary to the interests of the latter, for personal purposes or to promote another company or business to which he was directly or indirectly interested ;
2. A given part or all of the assets of the company in liquidation below its market value;
3. A confirmed or knowingly false information in the liquidation accounts or report prejudicing the rights of the partners.

CHAPTER V: CRIME DATA Section 1: fake computer

Article 467:

Whoever commits forgery by introducing into a computer system, modifying or deleting data that is stored, processed or transmitted by a computer system, or changing by any technological means the possible use of data in a computer system and thereby alters the legal implications of such data, shall be punished by penal servitude of five to twenty years and a fine of fifty thousand to one hundred thousand francs.

Whoever makes use of data obtained, knowing that they are false, shall be punished as if he were the author of the forgery.

Section 2: computer fraud

Article 468:

Whoever obtains for himself or for another fraudulent financial advantage by introducing into a computer system, modifying or deleting data stored, processed or transmitted by a computer system, or changing by any technological means the possible use of data in a computer system, is punishable by imprisonment of between six months to five years and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

Article 469:

Whoever, knowing that there is not allowed access to a computer system or maintains it is punished with imprisonment from three months to one year and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

If the offense under the first paragraph is committed with fraudulent intent, the sentence of imprisonment of six months to three years and a fine of hundred thousand to two hundred thousand francs or one of these penalties.

Is the same penalties as the previous paragraph one who with fraudulent intent or in order to harm, exceeding its access to computer system.

Is punished with imprisonment of one to three years and a fine of 50,000 to 100,000 francs or one of these penalties, one located in one of the situations referred to in paragraphs 1 and 3 :

- be resumed in any manner whatsoever, the data stored, line or transmitted by the system or IT myself;
- done any use of a system or IT myself belonging to a third party or uses the system or computer to access my or the system or IT me to a third party;
- or causes any damage, whether or not intentionally, the system or computer or given me or those that are stored, line or transmitted by this system or me or system or IT me to a third

or data that is stored, processed or transmitted by this system.

Anyone who orders the commission of an offense referred to in paragraphs 1 to 5 or which incites is punished with imprisonment from six months to five years and a fine of one hundred thousand to two hundred thousand francs or one of these penalties.

Whoever, knowing that the data was obtained by the commission of an offense referred to in paragraphs 1 to 4, holds, reveals another person or discloses or makes use of any data obtained is punished with imprisonment of six months to three years and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

Article 470:

Whoever, in order to harm, directly or indirectly fed into a computer system, modifies or deletes data, or modifying by any technological means the possible use of data in a computer system, is punishable by a penalty prison term of six months to three years and a fine of fifty thousand to one hundred thousand francs or one of these penalties;

One who, following the commission of an offense mentioned in the preceding paragraph, causes damage to data in the computer system or in any other computer system is punished by penal servitude for six months five years and a fine of fifty thousand to one hundred thousand francs or one of these penalties;

One who, following the commission of an infringement referred to in paragraph 1, prevents, fully or partially, the correct operation of the relevant computer system or other computer system, is punishable by criminal servitude to five years and a fine of fifty thousand to one hundred thousand francs or one of these penalties;

Whoever, with intent to defraud or in order to harm, designs, makes available, distributes or sells the data stored, processed or transmitted by a computer system, so he knows that these data can be used to cause harm to data or prevent, totally or partially correct operation of a computer system, is punishable by penal servitude of six months to five years and a fine of

fifty thousand to two hundred thousand francs or one of these penalties.

TITLE VII OF CRIMES AGAINST PUBLIC SAFETY

CHAPTER I: THE ASSOCIATION FORMED IN ORDER TO attempt INDIVIDUAL AND PROPERTIES

Article 471:

Is a conspiracy of any group formed or association established with a view to preparing characterized by one or more material actions, of one or more crimes or of one or more offenses punishable by at least five years' imprisonment.

Article 472:

Any association formed for the purpose of attacking persons or property is an offense that exist by the mere fact of the organization of the band.

Article 473:

If the association aims to commit offense punishable by at least ten years' imprisonment, the provocateurs of this association, the leaders of that band and those who exercised any command are punishable by ten to twenty years penal servitude.

The same people are punishable by five to ten years 'imprisonment if the association was formed only to commit offenses punishable by less than ten years' penal servitude.

Article 474:

Anyone who knowingly and voluntarily provided to the band or combination of weapons and ammunition, vehicles, is punishable by five to ten years' imprisonment.

Article 475:

Any other person in the association or the one who knowingly and voluntarily provided to the band information, equipment, places of retreat or meeting or other useful assistance to the commission and

consumer objects infringements of the association, is sentenced to a prison term of two to five years.

Article 476:

Are exempt from the penalties provided in the preceding article, those culprits who, before any attempt to breach the subject of the association before any prosecution, revealed to the public authorities the existence of the tapes and the names of their leaders or officials.

CHAPTER II: THREATS OF ATTACK AGAINST PERSONS OR PROPERTIES

Article 477:

Is sentenced to a prison term of two to five years and a fine of ten thousand to one hundred thousand francs or one of these penalties, one that writing anonymous or signed, threatened with orders or conditional, an attack against people or property punishable by at least five years' imprisonment.

The verbal threat made to order or conditional, or threatening gestures or emblems of an attack against people or property punishable by at least five years' imprisonment, is punishable by three months to two years and a fine of ten thousand to fifty thousand francs or one of these penalties.

Article 478:

Whoever intentionally threw the alarm in the population by the threat or misleading ad a danger to life, health or property is punishable by three months to one year of imprisonment and a fine of twenty thousand francs to a hundred thousand francs or one of these penalties.

CHAPTER III: THE ENDANGERED OF PUBLIC SECURITY USING WEAPONS

Article 479:

Are weapons under the provisions of this chapter the different kinds of weapons or other vehicle classified under such laws and regulations, in particular on the regime of firearms and ammunition.

Article 480:

Anyone who imports, acquires, holds, transfers, leaves, manufactures, repairs, transit or export of arms and ammunition in violation of the law and regulations on firearms regime is punishable by a prison term of two to ten years and a fine of one hundred thousand to five million francs or one of these penalties.

The punishment of life imprisonment may be imposed when the facts mentioned in the first paragraph of this article are related to a collective enterprise to overthrow the constitutional order.

Other violations of laws and regulations on the regime of firearms and its implementing measures are punishable with imprisonment of up to five years and a fine of fifty thousand to five hundred thousand francs or one of these penalties.

Also subject to the penalties mentioned in the preceding paragraph of this article persons who, through negligence or lack of care in the custody of the weapons or ammunition they hold, have made possible the disappearance.

In all cases, special confiscation of arms and ammunition may be imposed. It is pronounced in the case of firearms, bladed weapons and prohibited special equipment.

CHAPTER IV: FAILURE TO PUBLIC SOLIDARITY

Article 481:

Anyone with knowledge of an offense punishable by more than five years' imprisonment, already attempted or did not immediately warned the public authorities when it was still possible to prevent or limit the effects, is punished quarter of penal servitude that he himself should incur if he was the perpetrator.

The offense was punishable by life imprisonment, the perpetrator of the offense under the preceding paragraph shall be punished with imprisonment of ten to twenty years.

Article 482:

Whoever can prevent by its immediate action without risk to himself or others, an offense against persons or a crime against property, voluntarily abstains from doing so is punishable by a prison term of three years years and a fine of twenty thousand to hundred thousand francs, or one of these penalties.

Is same penalties, anyone who willfully fails to bring to a person in danger the assistance, without risk to himself or others, he could lend him or by his personal action or causing a backup.

CHAPTER V: THE ESCAPE OF DETAINEES AND BAN BREACH

Section 1: From the escape of prisoners

Article 483:

Is considered detained person:

- 1 which is placed in custody;
2. Who is pending or being presented to the judicial authority at the end of police custody or in execution of a warrant or arrest;
3. Who was notified of a committal order or an arrest warrant continuing to have effect;
4. Who carries a custodial sentence or has been stopped to execute the sentence;
5. Who is placed pending expulsion;
6. Who, for health reasons, is placed in a sanitary or hospital;
7. Who, doomed, is removed from the control to which it is subject when she was granted a relieving measure;
8. Who , doomed, refuses to reinstate the prison after a furlough;

9 ° Who condemned, is subjected to a security measure.

Article 484:

The fact that a prisoner to escape from custody to which it is subjected, by violence, threats, burglary or bribery is punishable by a prison term of two to five years and a fine of five thousand to twenty thousand.

If the offense under the preceding paragraph is committed by a convict who is serving a sentence of life imprisonment, the judge pronounces the measure incompressibility of the running punishment.

Article 485:

Those who provided or facilitated the escape of a prisoner is punished with half the penalty for the escapee because of the breach basis of which he was prosecuted.

Article 486:

If the offense was committed by a person employed to drive or custody of detainees, the penalty is imprisonment of between two to five years and a fine of ten thousand to fifty thousand francs.

Article 487:

If the escape took place with violence, threats or burglary, the penalties against those who favored either by cooperation or by providing instruments or weapons own to operate, are penal servitude for three to ten years and fine of ten thousand to fifty thousand francs.

Section 2: breaking ban

Article 488:

The convict who contravenes the obligation to move away from certain places or a certain region or live in a specific place under Articles 74 to 77 shall be punished with imprisonment up to six months.

CHAPTER VI: OTHER EVENTS THAT MAY AFFECT THE PUBLIC SECURITY

Act 1: Narcotics

Article 489:

Of narcotics within the meaning of the provisions of this Section substances or plants classified as such under the provisions of the Ordinance of the Minister of Public Health shall .

Article 490:

The cultivation, sale, transport, possession and consumption of narcotic drugs are prohibited except in the cases and conditions determined by the order of the Minister having health in his attributions.

Article 491:

Shall be punished with imprisonment of one to five years and a fine of one hundred thousand francs to two hundred and fifty thousand francs or one of these penalties, those who have violated the regulations concerning substances classified as narcotics.

Article 492:

Whoever illegally produced, imported, manufactured or exported narcotics is punishable by ten to fifteen years of imprisonment and a fine of one million maximum .

The sentences of the first paragraph shall be doubled when the acts are committed by an organized gang.

The penalties are incurred even when the various acts constituting the elements of the offense were committed in different countries.

Article 493:

Shall be punished with imprisonment from one to *five years* and a fine of fifty thousand to one million francs those who facilitated to another drug use, against payment or for free, or by providing in that purpose a local or by any other means.

The culprits are punished double the penalties set forth in the preceding paragraph if the authors are affiliated with a gang.

The same penalties are imposed against those who, by means of fictitious orders or complacency orders, made themselves deliver said substances and against those who, knowing the fictitious or bogus prescriptions of these have, on presentation of these orders issued narcotics.

If the use or delivery of such drugs was made to minors under eighteen years of penal servitude penalty is ten years to twenty years.

Article 494:

Shall be punished with imprisonment of one to five years and a fine of fifty thousand to one hundred thousand francs, or one of these penalties, those who have unlawfully consumed or held the one of the substances classified as narcotics.

Article 495:

Are punished with the penalties in the previous article:

1. Those who, by any means, caused one of the offenses punishable under Articles 490-494 even though this provocation was not acted upon, or who submitted them in a favorable light;
2. Those who, by any means, caused, even though this provocation was not acted upon, the use of substances presented as having the effects of substances or narcotic plants.

Article 496:

In all cases under sections 490 to 494, the court orders the confiscation of substances or plants classified as narcotics and confiscation of equipment and plant used in consumer, manufacturing and transport of such substances or plants.

The court ordered the destruction of crops and confiscated substances or plants.

It is provided automatically by the authority, and the expense of the offenders, the destruction of these crops.

Article 497:

For drug consumption offense, the judge pronounces the socio-judicial surveillance as an additional penalty in accordance with Articles 78 to 81.

Section 2: public drunkenness and disturbing the peace

Article 498 :

Falls under Article 502, anyone who delivers alcoholic beverages not recognized by the law of any kind whatsoever and in any place whatsoever.

Article 499:

Is punishable by a fine of ten thousand to twenty thousand francs, the one that was found in manifest drunkenness in the streets, squares, roads, pubs, theaters and other public places, as well as in unfenced areas in which the public can view directly.

Article 500:

A penalty of a fine of twenty thousand to fifty thousand francs, beverage debtors and their servants who gave water to obviously drunk people or who received them in their establishments.

Article 501:

A penalty of one month to two months and a fine of fifty thousand to one hundred thousand francs or one of these penalties, debtors drinks that were in their establishments for minors under eighteen unaccompanied by their parents or guardians.

Are punished with the same penalties, the tenants nightclubs that admit in their establishments for minors under eighteen years not accompanied by parents or guardians.

Article 502:

Debtors drinks that have violated the regulations in this area are punished with a fine of twenty thousand to hundred thousand. Article 503:

In case of recidivism, the court may order the temporary or permanent closure of the establishment.

Article 504:

Is punished with imprisonment of up to one month and a fine of ten thousand to fifty thousand francs or one of these penalties, one who is guilty of night noise and noise likely to disturb the tranquility of the residents.

PART VIII: OFFENSES AGAINST THE FAMILY AND AGAINST PUBLIC MORALITY

CHAPTER I: OF CRIMES AGAINST THE ORDER OF FAMILIES

Section 1: From Abortion

Article 505:

Whoever, for foods, beverages, pharmaceuticals, has purposely aborted a woman outside the cases provided by law, shall be punished with imprisonment of one year to two years and a fine of twenty thousand francs fifty thousand francs.

Article 506:

When abortion was caused by violence exercised voluntarily, but without intending to produce the culprit is punished by six months to two years imprisonment and a fine of fifty thousand to one hundred thousand francs.

If the violence was committed with premeditation and with knowledge of the condition of the victim, the penalty is five to ten years of imprisonment and a fine of fifty thousand to one hundred thousand francs.

Article 507:

Is punished with imprisonment from two months to one year and a fine of ten thousand to fifty thousand, one that prompted a pregnant woman to terminate her pregnancy.

Article 508:

If the culprits in the medical profession or para-medical or are under study for graduation qualifying for the exercise of that profession, they are punished with imprisonment of two to five years and a fine of fifty thousand to five hundred thousand francs.

Article 509:

If abortion procedures caused the death of the woman, the persons mentioned in the previous article is punished by twenty years' imprisonment.

Article 510:

The woman who voluntarily had an abortion is punishable by a prison term of one year to two years and a fine of twenty thousand to fifty thousand francs.

Article 511:

The criminal penalties provided in the preceding articles do not apply when the pregnancy was interrupted by a licensed physician, with the written consent of the pregnant person and approved by a second doctor degree, to avoid the danger impossible otherwise subvert and threatening the life of the mother or seriously threatening the health of a serious and permanent impairment.

If the pregnant person is unable to express his will, the written consent of their legal representative is required.

In the exercise of public action and when possible sentence under the provisions of Articles 508-510, he is given the social demands of the environment in which the offense was accomplished.

There is no infringement when pregnancy was interrupted by decision of two doctors in an emergency or inability to obtain the manifestation of the will of the pregnant person or of the person authorized to represent it.

Section 2: Offenses against children

Article 512:

For the purposes of this section, the term child means any person less than eighteen years.

Article 513:

Those exposed, is exposed, abandoned or is neglecting a child or unable off to protect himself because of his physical or mental condition, are punished for that reason alone:

- 1 of two months to one year of imprisonment and a fine of twenty thousand francs if the act occurred in a non-lonely place.
2. On a year to three years of imprisonment and a fine of fifty thousand francs if the act occurred in a solitary place.

These penalties are doubled if the guilty parties are ascendants or are legally responsible for custody of the child or incapacitated.

The exhibition or neglect that resulted in mutilation or infirmity is punished with imprisonment of ten years.

The culprit is punished by twenty years' imprisonment if the exposure or abandonment was followed by death.

Article 514:

Whoever abducted or kidnapped, or is diverted divert, moved or move children to places where they were placed by those having parental authority over them or by persons to whom they had been entrusted, is punishable by a year

- five years of servitude p e nal and ' a fine of ten thousand to one hundred thousand francs.

The prison term is increased from five years to ten years if the offense was committed with violence, fraud or threats.

It is increased from ten to twenty years if the perpetrators acted in order to get a ransom or to obtain execution of an order or condition.

If removal was followed by the death of the child, the culprits are punished with life imprisonment.

The same penalties is the parent who has abducted or kidnapped, moved or move a child without the consent of the other.

Is punished with imprisonment from five years to ten years the father or any other person who removes or kidnapped, moves or move a child still in the maternal womb, without the consent of the mother of the child.

Article 515:

The fact that the parent legitimate, natural or adopted to evade its legal obligations is punishable by six months to one year of imprisonment and one hundred thousand to two hundred thousand francs fine or to these penalties.

Penal servitude shall be doubled if the evading its obligations will compromise the health, safety, morality or education of his child.

Article 516:

Is punished with imprisonment from two years to five years and a fine of one hundred thousand to five hundred thousand francs whoever, with intent to defraud, obtained for himself an offender adopting the provisions of the Law on 'adoption.

Section 517:

Is same penalties any person who acted as intermediary in obtaining a passage for others without being a member of a previously approved for that purpose body, got a violator adopting the provisions of the relevant law.

Article 518:

The fact of directly incite a child to commit an unlawful act or likely to jeopardize his health or morals or development is punishable by two to five years of imprisonment and a fine of ten thousand to twenty thousand francs.

Article 519:

Anyone who has used, procured or offered a child for prostitution, production of pornography or pornographic performances is punishable by a

prison term of three to five years and a fine of one hundred thousand francs to five hundred thousand francs.

Article 520:

Is punished with imprisonment from five years to ten years and a fine of twenty thousand to fifty thousand francs, any person who commits an act or transaction involving the transfer of a child someone against remuneration or other benefits.

Article 521:

The penalties provided for in Article previous person who used a child in sexual activities against remuneration or other form of benefit.

Article 522:

Anyone who has used a child for work which, by its nature or the circumstances in which it is carried out, are likely to harm their health, safety or morals, shall be punished with imprisonment of three years five years and a fine of fifty thousand to one hundred thousand francs.

Article 523:

The penalties provided for in Articles 519-522 of this section shall be doubled:

1. When the offense is committed by a legitimate, natural or adopted child or other person having authority over the victim;
2. When the offense is committed by a person abusing the authority conferred by his functions;
3. When the offense is committed by several persons acting as perpetrators or accomplices.

Article 524:

When it was decided the custody of a child by enforceable ruling, the father, mother or any other person who does not represent the child to those who have the right to claim, or who removes among those to whom custody has been entrusted or places where they had placed, is punishable by one month to one year

imprisonment and twenty thousand to fifty thousand francs fine or one of these penalties.

Article 525:

A penalty of one to five years' imprisonment, those who have given to a woman who was not pregnant the child of another woman to get her marital status which it had not the right.

The same penalties are those who have substituted one child to another, or who tried to prevent the proof of marital status of the child, have concealed the birth of a child or have passed for dead.

The same penalties are applied to those who gave the mission to commit the facts mentioned in this article as long as this mission was its execution or missed by the intervention of a third party.

The penalties provided in the preceding paragraphs shall be doubled if the person acted on the occasion of the exercise of its functions.

Section 3: offenses against marriage

§1. From Adultery

Article 526:

Qualified adultery, sexual union of a married person legally and whose marriage is not dissolved with someone other than their spouse.

Article 527:

The Joint convinced adultery is punishable by a fine of twenty thousand to hundred thousand.

Section 528:

The penalty range in the previous article is applied to the accomplice.

Article 529:

The prosecution or conviction for adultery can only take place on complaint of the spouse claiming offended. The complainant may in any event, by the withdrawal of his complaint, stop the procedure.

§2. Polygamy and polyandry

Article 530:

Whoever being engaged in wedlock, have contracted one or more other before the dissolution of the previous one, will be punished the leader of polygamy or polyandry, with imprisonment of six months to two years and a fine of twenty thousand to hundred thousand.

In any case the spouse in such a union can not be considered as a character dependent within the meaning of the tax law, social or administrative.

§3. Concubinage

Article 531:

The Joint convinced of having had a partner or concubine is sentenced to a fine of fifty thousand to one hundred thousand francs.

The penalty is doubled when cohabitation is maintained in the marital home.

The prosecution or conviction can only take place on complaint of the husband claiming offended. The complainant may in any case, by this withdrawal, stop the procedure.

Section 4: Offenses against family morals

§1. Incest

Article 532:

Are considered incest and punished with imprisonment from two years to five years, sex between:

1 Parent directly down and bottom-line, the relationship legitimate, natural or adopted;

2 sibs siblings, or half blood;

3. A person and a child of his brothers or sisters siblings, or half blood, or a descendant thereof;

4. The parâtre or marâtre and the descendant of the other joint.

In any case, if incest is committed by an adult with a child under eighteen years, the penalty for the author is the one for rape with violence.

The sentence against the offender has:

1. The loss of parental authority or legal guardianship; 2. The disfranchisement; 3. The publication of the conviction;

4. The presentation of the condemned to the public. **§2. From the family abandonment** Article 533:

Shall be punished with imprisonment not exceeding two months and a fine of twenty thousand to fifty thousand francs or one of these penalties:

1. A father or mother who abandons no important reason, for more than two months, the family residence and evades all or part of moral or material obligations resulting from parental authority or legal guardianship ; the two-month period may not be interrupted by a return to home with the intention to permanently regain family life;

2. The spouse who, without cause, voluntarily abandoned for more than two months and his spouse who refuses to provide maintenance and assistance owed between spouses following the relevant code of persons and family provisions ;

3. The husband who without serious reason voluntarily deserts for over two months his wife, knowing the pregnant;

4. The parent, the loss of parental authority or not made against that compromises by maltreatment, by pernicious examples of habitual drunkenness or disorderly conduct, by neglect or by lack of necessary direction or the health or safety or morals of children or of one or more of these.

Article 534:

Is punishable by two to six months of imprisonment and a fine of ten thousand to fifty thousand francs or one of these penalties, who, having been convicted by a court decision res judicata force, to provide maintenance to his spouse, his descendants or ascendants voluntarily remained more than two months without fulfilling the terms.

The default payment is voluntary presumed until proven otherwise. The insolvency resulting from habitual misconduct, laziness, drunkenness or the commitments made after the court's referral is by no means a valid excuse for the debtor.

Section 5: Domestic violence

Article 535:

Whoever submits his spouse, child or other person living in the same household to cruel, inhuman or degrading treatment shall be punished by penal servitude of three years to five years and a fine of fifty thousand francs.

Article 536:

Anyone who forces a woman to conceive and carry a pregnancy to term is punishable by penal servitude for three to five years. The same penalties is the one who forces a woman to abort.

Article 537:

Is punished by penal servitude of one year to two years anyone who expels the family home spouse, child or any person who has custody who is not able to take charge.

CHAPTER II: OF CRIMES AGAINST GOOD MANNERS

Section 1: From Prostitution

Article 538:

Constitutes a prostitution practice to deliver his body to the pleasure of others and to make a trade.

§1. Incitement to debauchery and prostitution

Article 539:

A penalty of one to five years of imprisonment and a fine of fifty thousand to two hundred thousand francs anyone has attempted to morals by inciting, facilitating or encouraging, to satisfy the passions of others, debauchery, corruption, prostitution of persons of either elderly or apparently over the age of twenty-one sex.

The penalty is increased from five years to ten years, if the person on whom were debauchery, corruption or prostitution is aged or apparently under the age of twenty-one.

The age of the victim can be determined by medical examination if civil.

Article 540:

The penalties in the first paragraph of the preceding article are applicable to:

1. Anyone who has hired, abducted or enticed, to debauchery or prostitution, another major or minor, even with the consent;
2. Whoever maintains the same purpose, major or minor, even with the consent.

Article 541:

A penalty of six months to five years of imprisonment and a fine of fifty thousand to two hundred thousand francs anyone by threats, pressure, deception or any other means, hinders the action of prevention, assistance or rehabilitation undertaken by qualified organizations for persons engaged in prostitution or in danger of prostitution.

§2. pimping

Article 542:

Is punishable by two to five years of imprisonment and a fine of one hundred thousand to one million francs, anyone, directly or through an intermediary, directs, manages, or knowingly finances or contributes to finance a brothel.

Article 543:

A penalty of one to five years of imprisonment and a fine of twenty thousand to two hundred thousand francs, any person who, in any form, takes advantage of prostitution, sharing the avails of prostitution of major or minor, even if it is consensual, or receives payments from a person who habitually engages in prostitution.

§3. Facilities for prostitution

Article 544:

Is punished with imprisonment from one to three years and a fine of twenty thousand to fifty thousand francs, any person who in any way aids, assists or knowingly protects the prostitution of others, or soliciting for prostitution.

Article 545:

The penalties provided in the preceding article are applicable to any person who acts as an intermediary, in any capacity, among people who habitually engages in prostitution and individuals who exploit or remunerate the prostitution of others.

Article 546:

Any representation or knowingly takes on lease, in whole or in part, a building or any premises for the purpose of prostitution of another person is punishable by two to five years of imprisonment and a fine of fifty thousand to one million francs or one of these penalties.

Article 547:

Penalties under the provisions of this section shall be doubled when one of the following circumstances is established the cause:

1. The offense was committed against a person under eighteen years;
2. The offense was committed against a non-consenting person;

3. The offense was committed against a person whose particular vulnerability due to age, illness, infirmity, to a physical or mental disability or to pregnancy, is apparent or known its author;
4. The offense was committed by an organized group or by several persons acting as perpetrators, co-perpetrators or accomplices;
5. The perpetrator acted with guile, threats, or violence;
6. The offense was committed by a relative of the victim;
7. The offense was committed by a person who has authority over the victim;
8. The offense was committed by a servant of the victim;
- 9 ° The offense was committed by a public official or a minister.

§4. soliciting

Article 548:

Constitutes an act of soliciting, the fact that a person who engages in prostitution to dock clients or engaging in public acts of any nature whatsoever, in order to attract customers.

It is punishable by penal servitude of one month to six months and a fine of five thousand to twenty thousand francs or one of these penalties.

Section 2: the molestation

Article 549:

Is an act of outrage against decency, any sexual act contrary to the Burundian customs practiced intentionally and directly on a person.

The attack exists whenever there is beginning execution.

Section 550:

The molestation committed without violence, trickery or threats on persons of either sex is punished with imprisonment from six months to two years and a fine of twenty thousand to fifty thousand francs.

Article 551:

The indecent assault committed with violence, trickery or threats on persons of either sex is punished with imprisonment of one to five years and a fine of fifty thousand to hundred thousand.

Article 552:

Any indecent assault committed without violence, trickery or threats to person or with the person of a child or apparently under the age of eighteen years shall be punished by a prison term of five years fifteen years and a fine of fifty thousand to two hundred thousand francs.

The child's age may be determined by medical examination including failing vital.

If the attack was committed with violence, deception or threats, penal servitude penalty is five to twenty years.

Article 553:

The minimum penalties carried by the articles of this section is doubled:

1. When the attack was committed by an ascending or descending legitimate, natural or adopted child of the victim;
2. When the attack was committed by a person having authority over the victim;
3. When the attack was committed by a person who has abused the authority conferred by his functions;
4. When the attack was committed by doctors, surgeons, obstetricians, against people entrusted to their care;

5. When the indecent assault is committed against a vulnerable person because of illness, infirmity or physical or mental disability or pregnancy;
6. When the indecent assault is committed under the threat of a weapon;
7. When the attack was committed by a minister.

Section 3: rape

Article 554:

Is deemed rape with violence any act of sexual penetration, of whatever kind and any means whatsoever, committed by an adult on a minor under eighteen consenting same.

Also deemed rape with violence, the mere fact of carnal conjunction of the sexes committed against a minor under the age of eighteen, even consenting.

Domestic Rape is punishable by a prison term of eight days and a fine of ten thousand to fifty thousand francs or one of these penalties.

Article 555:

Commits rape or using violence or threats or duress

- the ' counter to ' a person, directly or through ' interm ed diary of ' a third party or by surprise, by psychological pressure or in the ' opportunity ' a coercive environment, or by abusing ' a person who, by the fact of ' illness, by the ' alt e ration its faculty e s or any AUTR an accidental cause has lost the ' use of his senses or have e t e priv ed by some artifice, and m ê me if the victim is the 'e lice that person:
1. Every man, regardless of age, who introduced his sexual organ, even superficially into that of a woman or any woman, regardless of her age, which forced a man to enter, even superficially, his sexual organ into hers ;
 - 2 °. Any man who did penetrate, even superficially, the anal, mouth or other body orifice of a woman or a man's sexual organ, any body part or any other object;

3 °. Any person who brings, even superficially, any body part or any object in the female sex;

4 °. Anyone who forces a man or woman to enter, even superficially, his anus, mouth with a sexual organ;

Is punishable by five to fifteen years of imprisonment and a fine of fifty thousand to one hundred thousand francs.

Article 556:

Rape is punishable by fifteen to twenty five years of imprisonment and a fine of fifty thousand to two hundred thousand francs;

1 ° where it is committed on a minor under eighteen;

2 ° where it is committed by an ascendant or descendant legitimate, natural or adopted, by a brother or sister, a stepfather or stepmother of the victim;

3. When it is committed by a person being in the service of the victim;

4 ° where it is committed by a person abusing the authority conferred by his functions;

5 ° where it is committed by an educator;

6. When rape is committed by a minister.

7 ° where it is committed by doctors, surgeons, obstetricians and other medical personnel to people in their care;

8. When committed against a vulnerable person because of age, illness, infirmity, physical or mental disability or to pregnancy, is apparent or known to the perpetrator;

Article 557:

Rape is punishable by twenty to thirty years and a fine of one hundred thousand francs to five hundred thousand francs :

- 1 ° where it is committed by several persons acting as perpetrators or accomplices;
2. When the author is carrying a weapon;
3. When the victim caused a serious deterioration of his health and / or left physical scars and / or serious psychological including mutilation, permanent disability or disease transmission.
- 4 ° where it is committed with the use or threat of a weapon;
5. When the rape was committed on a child under 12;
- 6 ° where it is committed in public.

Article 558:

Rape is punishable by life imprisonment:

1. When the author knew carrying a sexually transmitted disease which is known incurable;
2. When rape resulted in the death of the victim;
3. When the rape was committed on a child under 12 years.
4. When the rape was preceded, accompanied or followed by acts of torture or barbarism.

Article 559:

Penalties under the provisions of this section are incompressible, imprescriptible, and not inamnistiables graciabiles.

Article 560:

The official position of the offender on sexual violence can not in any way absolve the responsibility or be a cause of reduced sentence.

Section 561:

The hierarchy or command of a civilian or military legal authority does not exempt the offender on sexual violence from liability.

Article 562:

In terms of bombing offenses against decency and rape, the judge pronounces in addition to the main penalty, at least one of the following additional penalties:

1. The publication of the conviction;
2. The presentation of the condemned to the public;
3. The disqualification of civic, civil and family;
4. The residence ban;
5. The socio-judicial follow.

If the judge sentencing in point 1 °, the identity of the victim is published or disseminated to the public.

Section 4. Sexual Harassment

Article 563:

Is an act of sexual harassment when we use against others in orders, threats or physical or psychological stress, or serious pressures in order to obtain sexual favors by abusing the authority conferred by its functions.

It is punishable by one month to two years' imprisonment and one hundred thousand to five hundred thousand francs fine.

If the victim of harassment is a minor under eighteen years the penalties are doubled.

Section 5: Public indecent behavior, bestiality and homosexuality

Subsection 1: offenses against public morality

Article 564:

Anyone who has exhibited, sold or distributed songs, pamphlets or other written, printed or not, figures, pictures, emblems or other objects contrary to morality, was sentenced to a fine of fifty thousand to one hundred thousand francs.

Is same penalties, anyone, to trade or distribution, detained, imported or causes to be imported, transported or caused to be transported, delivered to a transport or distribution agent, announced by any means of advertising songs, pamphlets, writings, drawings, pictures, emblems or objects contrary to morality.

In the cases provided in the preceding paragraphs, the author of the writing, the figure of the picture, who printed or reproduced them, manufacturers of the emblem or object shall be punished by fine of fifty thousand to one hundred thousand francs.

Whoever sang, read, recited, heard or uttered obscenities in meetings or public places in front of several people and in the hearing of these people, is punishable by a fine of ten thousand to twenty thousand francs.

Article 565:

Anyone who has publicly insulted the morals by actions that offend modesty is punishable by a fine of fifty thousand to one hundred thousand francs.

Sub-section 2: bestiality

Article 566:

Whoever voluntarily had sex with an animal is punishable by penal servitude of one to three years and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

Is punishable by penal servitude of five to ten years and a fine of twenty thousand to fifty thousand francs that forcing someone to have sex with an animal.

The penalty is doubled if the stress is a minor. **Subsection 3:**

Homosexuality Article 567:

Whoever makes sex with the same sex shall be punished with imprisonment of three months to two years and a fine of fifty thousand to one hundred thousand francs or one of these penalties.

TITLE IX: OFFENSES AGAINST THE SECURITY OF THE STATE

CHAPTER I: OFFENSES AGAINST EXTERNAL SECURITY OF THE STATE

Section 1: From treason and espionage

Article 568:

Is guilty of treason and punishable by life imprisonment, while Murundi who bears arms against Burundi.

Article 569:

Is guilty of treason and punishable by life imprisonment, while

Murundi that:

1. Maintains intelligence with a foreign power or its agents, to engage that power to initiate hostilities against Burundi or to procure the means;
2. Paper to a foreign power or its agents defense works, position s , ports, stores, equipment, ammunition, ships, buildings or air navigation devices belonging to Burundi;
3. In order to harm national defense, destroys or damages a ship, an air navigation device, equipment, supply, construction or any installation, or, for the same purpose, brings either before or after completion, the nature of defects to damage or cause an accident.

Article 570:

Is guilty of treason and punishable by life imprisonment, while

Murundi who, in time of war:

1. Causes soldiers or sailors to enter the service of a foreign power, facilitates their ways or done enlistments for power at war with Burundi;
2. Maintains intelligence with a foreign power or with agents to favor companies that power against Burundi;
3. Contribute to knowingly Army or demoralize the nation designed to harm national defense.

Article 571:

Is guilty of treason and punishable by life imprisonment, while

Murundi who, in time of war:

- 1 Pound to a foreign power or its agents in any form and by any means whatsoever, information, object, document or process that must be kept secret in the interest of national defense;
2. Shall, by any means whatsoever, the possession of such information, object, document or process, in order to deliver it to a foreign power or its agents;
3. Written or leaves destroy such information, object, document or process in order to promote a foreign power.

Article 572:

Is guilty of espionage and punished with life imprisonment, an alien who commits any of the acts referred to two previous articles.

Article 573:

Without prejudice to the application of Articles 37 and 38, are punished with imprisonment of one to five years and a fine of fifty thousand to one hundred thousand francs:

1. The bid or proposal to commit any of the offenses under Articles 569-570;

2. Acceptance of this offer or proposal.

Section 2: Other offenses against the external security of the State

Article 574:

Is punished with imprisonment from two to ten years and a fine of fifty thousand to two hundred thousand who, without intention of treason or espionage:

1. Ensures being without quality, possession of an intelligence, object, document or process that must be kept secret in the interest of national defense or knowledge of which may lead to the discovery of a secret of National Defense ;
2. Written, subtracts, subtract or destroy leaves or leaves reproduce such information, object, document or process;
- 3 Door leaves or bring to the attention of an unauthorized person, or the public such information, object, document or process, or expanded disclosure.

Article 575:

Is punished with imprisonment from six months to one year and a fine of fifty thousand to one hundred thousand, who, without intention of treason or espionage, has made known to any unauthorized person or the public, a public non-military information issued by the competent authority and the disclosure is clearly liable to harm national defense.

Article 576:

Is punished with imprisonment of one to five years and a fine of fifty thousand to one hundred thousand francs whosoever:

1. If introduced in disguise or a false name, or concealing its quality or nationality, in a defense structure, position, deposit or military Store in a warship or merchant vessel used for national defense in an establishment

military or in an interesting establishment or construction of national defense;

2. Even without disguise or hide it its name, quality or nationality, organized in a way obscures any means of correspondence or remote transmission likely to harm national defense.

Article 577:

Is punished with imprisonment of one to five years and a fine of fifty thousand to one hundred thousand francs, whoever talks with agents of a foreign power, the nature of intelligence to undermine the military situation, political or economic Burundi.

Article 578:

Is punished with imprisonment of one to five years and a fine of fifty thousand to one hundred thousand, who, in time of war:

1. Maintains without government authorization, a correspondence or relations with the agents of a hostile power;
2. Made directly or through an intermediary, trade acts with the subjects or agents of an enemy power in defiance of the prohibitions enacted.

Article 579:

Is punished with imprisonment of one to five years and a fine of fifty thousand to one hundred thousand francs, any person through hostile acts not approved by the Government of Burundi to the statement of hostilities by of a foreign power.

If hostilities ensued, penal servitude is five to twenty years.

Article 580:

The penalties provided for in Articles 570-573, 575 and 576 paragraph 1st are doubled if the offender is a Murundi.

The sentence given to Article 574 is penal servitude thirty years if the offender is a Murundi.

Section 3: The Mercenaries

Article 581:

The mercenary is any person who:

1. Is specially recruited locally or abroad to fight in an armed conflict;
2. Who, in fact, take a direct part in hostilities;
3. Who takes part in the hostilities for personal gain and that is promised by one party to the conflict or on behalf of, material compensation;
4. Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;
5. Who is not a member of the armed forces of a party to the conflict;
6. Who was not sent by another State a party to the conflict on official duty as a member of its armed forces.

Article 582:

Is guilty of mercenaries and is punishable by five to twenty years of imprisonment and a fine of fifty thousand to two hundred thousand francs, whoever, in order to oppose the armed violence a process of self in the stability or the territorial integrity of another State, on the national territory:

1. Housed organized funded, assisted equipped driven, supported or used in any way whatsoever, of mercenaries;
2. Has enrolled, is engaged in said strips.

Article 583:

The sentence of life imprisonment is pronounced against anyone who assumed command of mercenaries, against the one who gave them orders, or against mercenaries guilty of crimes against the Burundi.

CHAPTER II: OFFENSES AGAINST DOMESTIC SECURITY OF THE STATE

Section 1: attacks and plots against the Head of State

Article 584:

The attack against life or against the person of the Head of State is punishable by life imprisonment.

If it caused him no bloodshed or injury or disease, the attack against him is punishable by penal servitude of thirty.

Article 585:

The plot against the life or against the person of the Head of State is punished with imprisonment of ten to fifteen years and a fine of fifty thousand to two hundred thousand francs if any offense has been committed to prepare implementation.

If there was unlicensed proposal and to conspire against the life or against the person of the Head of State, who has made such a proposal is punished with imprisonment of one to five years and a fine of ten thousand to fifty thousand francs.

Section 2: attacks, plots and other offenses against the state authority and territorial integrity

Article 586:

The attack whose goal was either to destroy or change the constitutional regime or to excite the citizens or residents to arm themselves against the authority of the state or to take arms against each other, or undermine the integrity of the national territory, shall be punished with imprisonment of thirty years.

Article 587:

The plot formed in one of the purposes mentioned in the previous article is punished with imprisonment of ten to fifteen years and a fine of fifty thousand to two hundred thousand francs if any offense was committed or started prepare for the performance.

If there was unlicensed proposal to conspire to achieve a purpose mentioned in Article 586, the one who made such a proposal shall be punished with imprisonment of one to five years a fine of fifty thousand to one hundred thousand francs.

Article 588:

Whoever, except as provided in Articles 590 and 591, initiated by any means whatsoever of undermining the integrity of the national territory, shall be punished with imprisonment of one to five years and a fine of fifty thousand to one hundred thousand francs.

Article 589:

Shall be punished with imprisonment of five to twenty years and a fine of fifty thousand to two hundred thousand francs, those who have raised or made up of the armed forces, engaged or recruited, did engage or enlist soldiers, or provided them with weapons and ammunition, without order or authorization from the Government.

Article 590:

Shall be punished with imprisonment from five years to twenty years and a fine of fifty thousand to two hundred thousand francs:

1. Those who, without lawful right or reason, have taken any military command;
2. Those who, against the order of the Government, have retained such a command;
3. Those who held their army or troop gathered after dismissal or separation has been ordered.

Section 3: Attacks and plots tending to bring the massacre, devastation and looting

Article 591:

The attack whose goal was to bring the killing is punishable by life imprisonment.

The attack whose goal was to bring devastation and pillage is punished by penal servitude for fifteen to twenty years.

Article 592:

The plot formed in one of the purposes mentioned in the previous article is punished with imprisonment of ten to fifteen years and a fine of fifty thousand to two hundred thousand francs, if any offense was committed or began to prepare for implementation.

If there was unlicensed proposal and to conspire to achieve a purpose mentioned in Article 588, the one who made such a proposal is punishable by a prison term of five to ten years and a fine of fifty thousand to one hundred thousand francs.

Section 4: participation in armed gangs

Article 593:

Is punishable by life imprisonment, anyone, to disturb the State by one of the attacks under sections 586 and 588, by the invasion, or the sharing of public or private property, or by making attack or resistance to the forces acting against the perpetrators, was placed at the head of armies or has exercised any command bands.

The same penalty is applied to those who led the association, raised or made up, organized or made organizing bands.

Article 594:

Individuals belonging to the bands mentioned in the previous article, without exercising any command and which were seized at the scene of the seditious meeting shall be punished with imprisonment of ten to fifteen years and a fine of fifty thousand to two hundred thousand francs.

Article 595:

If one of the attacks under sections 586 and 589 has been committed by an armed gang, the penalty of life imprisonment is applied without distinction of rank, to all individuals in the band and were seized at the scene.

Is punished with the same penalty, though not seized at the scene, whoever led the sedition, or has performed in the band any command.

Article 596:

It is no sentence pronounced for the act of sedition, against those who were part of an armed gang without exercising any command withdrew the first warning of civil or military authorities, or even since when have been seized as outside places of seditious meeting, without any resistance and unarmed.

They are not punished in this case, that for particular offenses allegedly committed personally.

Section 5: participation in an insurrectionary movement

Article 597:

Shall be punished with imprisonment from two years to ten years and a fine of fifty thousand to one hundred thousand francs, individuals in an insurrectionary movement:

1. Have made or helped make barricades, trenches or other work aimed to hinder or stop the exercise of public power;
2. Have prevented using violence or threats, intervention or the meeting of law enforcement or that caused or facilitated the gathering of insurgents or by the distribution of orders or proclamations or by Port of flags or other signs of rallying, or by any other means of appeal;
3. Have, to attack or resistance to the police, invaded or occupied buildings, offices or other public institutions, houses inhabited or not inhabited. The penalty is the same with regard to the owner or lessee who, knowing the purpose of the insurgents, provided them without constraint entry of the said houses.

Article 598:

Shall be punished with imprisonment from five years to twenty years and a fine of fifty thousand to two hundred thousand francs, individuals in an insurrectionary movement:

1. If seized weapons, ammunition or materials of any kind, either using violence or threats or by looting shops or public buildings, or by disarming the agents of the police;

2. Have worn or kept exposed arms ammunition caches.

Individuals who have used their weapons are punished with the penalty of life imprisonment.

Article 599:

Are punished with penal servitude for life, those who led or organized an insurrection having made use of arms.

Section 6: other attacks on the internal security of the State

Article 600:

Is punished with imprisonment from two months to three years and a fine of fifty thousand to one hundred thousand francs or one of these penalties that which, for propaganda purposes, distributed, circulated or exposed to public view, flyers, newsletters origin pavilions or foreign nature inspiration to harm the national interest.

Is same penalties, the one who held such newsletters or pavilions for the distribution, circulation or exhibition for propaganda purposes.

Article 601:

Is punished with imprisonment of one to five years and a fine of fifty thousand to two hundred thousand francs, or one of these penalties, anyone who receives a person or a foreign organization directly or indirectly, in any form and for any purpose whatsoever, donations, presents, loans or other benefits, intended or used in whole or in part to conduct or pay in Burundi activity or nature of propaganda to undermine the integrity or independence of Burundi, or shake the loyalty that citizens owe to the state and the institutions of Burundi.

Article 602:

Is punished with imprisonment from two months to three years and a fine of fifty thousand to two hundred thousand francs or one of these penalties:

1. One who publicly attacked the binding laws or caused directly disobey;
2. Whoever knowingly spread false nature sounds to alarm the people or to excite against the government or the civil war;
3. Whoever, in order to disturb the public peace knowingly contributed to the publication, dissemination or reproduction by any means whatsoever, of false or fabricated parts, falsified or falsely attributed to others;
4. Whoever is exposed or exposing in public places or open to the public, drawings, posters, prints, paintings, photographs, objects or all images of nature to disturb the public peace.

Article 603:

Is punished with imprisonment of ten to twenty years and a fine of fifty thousand to two hundred thousand francs anyone who harmed the economy or national security by stealing, destroying, overthrowing or degrading, by any means, in whole or in part, buildings, bridges, dams, road, railroads, telegraph or telephone devices or other buildings belonging to the State or other state or parastatal bodies.

Section 7: Definitions on the provisions of sections 1 to 6

Article 604:

The attack exists whenever there is punishable attempt.

Article 605:

There are plot as soon as a decision to act was stopped between two or more people.

Article 606:

Included in the word "weapons", all machines, all instruments, utensils or other sharp objects, sharp or blunt whom it was seized to kill, injure or strike, even if we do not use it.

Article 607:

By "insurrectional movement" means a collective movement that is externalized or by acts against the powers and established institutions or by attacks against people, devastation or looting.

CHAPTER III: PROVISIONS COMMON TO TWO PRECEDING CHAPTERS

Article 608:

Is punished with imprisonment of three months to two years and a fine of thousand to fifty thousand francs, or one of these penalties, who, with knowledge of projects or acts of treason, of espionage or other activities likely to harm national defense, attacks or plots against the internal security of the state, does not make the declaration to the military authorities, administrative or judicial, at the time he knew them.

Article 609:

In addition to the persons referred to in Article 38, shall be punished as an accomplice anyone other than the author or accomplice:

1. Provides unrestricted and informed of their intentions, subsidies, livelihood, housing, retreat or meeting with offenders against the state security;
2. Door knowingly matching perpetrators of such crimes, or knowingly facilitates any manner whatsoever, research, harboring, transportation or transmission of the object of the offense.

Article 610:

In addition to the persons referred to in Article 306, shall be punished as fence anyone other than the author or accomplice of a crime against the security of the state:

1 it conceal knowingly objects or instruments used or to be used to commit the offense or objects, materials or documents obtained by the offense;

2. Destroyed, subtracts, harbors, conceals or knowingly alters a public or private document will facilitate the search for the offense, the discovery of evidence or the punishment of its perpetrators.

In the case under this section, the court may waive the punishment the parents or relatives of guilty to the fourth degree inclusive.

Article 611:

Is exempt from the penalty one who, before executing or attempting an offense against the security of the State, gives the first knowledge the administrative or judicial authorities.

The exemption of punishment is also optional if the termination occurs after the consumption or attempted offense but before the opening of proceedings.

The exemption of punishment is also optional with respect to the guilty who, after the opening of proceedings, allows the arrest of the perpetrators and accomplices of the same offense or other offenses of the same nature or the same severity.

Article 612:

The confiscation of the object of the offense and objects used in the commission is still pronounced.

Assets that do not belong to the offender shall be confiscated if proven complicity of the owner.

The remuneration received by the culprit, or the amount of its value when the payment could not be seized is forfeited to the Treasury.

Article 613:

All guilty of treason, attempt or conspiracy against the internal security of the state is hit for a term of five years, the ban on voting rights and the right of eligibility.

CHAPTER IV: ACTS OF TERRORISM AND BIO-TERRORISM

Article 614:

Constitute acts of terrorism, intentional acts posed below as part of an individual or collective undertaking the purpose of seriously disturbing public order by intimidation or terror:

1. Violations volunteers to life and to personal integrity, kidnapping and hijacking of aircraft, ship or other means of transport;
2. Theft, extortion, destruction, defacement and damage;
3. The manufacture or possession of machines, dangerous or explosive devices;
4. The production, sale, import or export of explosive substances;
5. The acquisition, storage, transport or unlawful carrying of explosive substances or devices manufactured using such substances.

Article 615:

Other acts of terrorism:

1. The fact of introducing into the atmosphere, soil, subsoil or waters, rivers and lake belonging to the territory of Burundi, any substance to endanger the health of populations human or animal, in order to seriously disrupt public order through intimidation and terror.
2. Participating in a group formed or association established with a view to preparing, characterized by one or more material actions, of terrorist acts set out in Article 614.

Article 616:

Also as an act of terrorism the act of financing a terrorist enterprise by providing, collecting or managing funds, securities or any property or by giving advice for this purpose, with the intention of

such funds, assets or property used or knowing that they are intended to be used in whole or part, to commit any terrorist acts provided in this chapter, regardless of the possible occurrence of an such an act.

Article 617:

All acts of terrorism will top emarginated, all import documents, export, acquisition, possession, transfer, drop, manufacturing, transportation, transit and / or use of biological agents, weapons or chemical materials, radiological, nuclear and explosives in order to hurt or kill humans, animals or plants, or with intent to intimidate or frighten constitute acts of terrorism.

Biological agents include bacteria, viruses, molds, fungi, rickettsia, toxins.

The radiological and nuclear elements include Alpha particles, beta particles, gamma radiation, neutrons.

Article 618:

The act of terrorism is punishable by penal servitude for ten to twenty years and a fine of two hundred thousand to one million francs.

When this act led to the death of one or more people, it is punishable with life imprisonment.

The above penalties are incompressible .

Article 619:

Natural or legal persons convicted of offenses under the present chapter also incur one of the following additional penalties:

1 ° forfeiture of civic rights;

2 ° prohibition to hold public office or to exercise a social or professional activity in the exercise or on the occasion of which the offense was committed;

3. The travel ban when the offender is a foreigner.

TITLE X: TRANSITIONAL AND FINAL PROVISIONS

Article 620:

Regulatory measures taken in implementation of the law, administration and police regulations of the public authority and local authorities can establish sanctions other than administrative fines:

1. Not exceeding a fine of fifty thousand francs to the decrees;
2. Not exceeding a fine of twenty thousand francs for prescriptions;
3. Do not exceed a fine of five thousand francs for the acts of local authorities.

There is an exception, with the above provisions regarding administrative penalties for offenses in the tax and customs fields as well as in the regulatory or economic changes.

Article 621:

Penalties under the rules and the administrative and police regulations issued previously for the entry into force of this Code shall be reduced, if necessary, to the maximum supported by the previous article.

Article 622:

Offenses and contraventions of decrees, orders, decisions, administration and police regulations, for which the law does not determine specific penalties are automatically punished sentences not exceeding the maximum of those provided for section 620 according to the distinctions made therein.

Article 623:

Particular laws some penal provisions have been incorporated in this Code remain in force as long as they are not contrary to this law.

Article 624:

Decree-Law No. 1/6 08 April 1981 reform of the Penal Code is repealed and other laws and regulations contrary to this law.

Article 625:

This Act comes into force on the day of its promulgation .

Done in Bujumbura on // 2009

Pierre NKURUNZIZA

SEEN AND SEALED THE SEAL OF THE REPUBLIC,

MINISTER OF JUSTICE AND KEEPER OF THE SEALS,

Jean Bosco Ndikumana.

