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**Law N° 62**

**PENAL CODE**

**NATIONAL ASSEMBLY OF PEOPLE'S POWER**

**SEVERO AGUIRRE DEL CRISTO, vice president of the National Assembly of People's Power of the Republic of Cuba, acting as President by regulatory replacement in the second ordinary session of the Third Legislature.**

I HEREBY DECLARE: That the National Assembly of People's Power, in the meeting held on 23 December 1987 of the aforementioned session, passed what is herein below described:

WHEREAS: Our socialist Law shall develop to serve with increasing efficiency the goals of our society and, in accordance with this principle, the criminal policy agreed by the State shall reflect, in essence, the forms of fight against crime and delinquency, considering the social, political and economic conditions of our country. Therefore, criminal rules shall be strictly and inexorably observed by any and all citizens, State agencies and economic and social entities, by their own rule, and also by their high level of social understanding and compliance.

WHEREAS: In recent years the socialist State set forth and developed different means to prevent and face Law violations, which means a significant progress in structuring an efficient, harmonious and educational system of fight against law infringements, and to form a culture of law observance, which allows to currently extract from the criminal scope those conducts that are not crimes by their nature, and which therefore shall be treated under other legal branches.

WHEREAS: The regime of punishments provided for under the Penal Code by its coherence, balance and flexibility shall respond to the severity of the diverse criminal conducts, in order to secure, upon application of the penalty, an appropriate individualization of the same.

WHEREAS: It is convenient that the modifications set forth shall not be introduced in a separate text, as a modifying law of the current Penal Code, but to pass them in order to facilitate their consult and application, as a new text.

THEREFORE: The National Assembly of People's Power agrees the following:

**LAW N° 62**

**PENAL CODE**

**BOOK I**

## **GENERAL PART**

### **TITLE I**

#### **PRELIMINARY PROVISIONS**

ARTICLE 1.1. This Code shall have two objectives:

- to safeguard society, individuals, social, economic and political order, and the state regime;
- to safeguard the property recognized by the Constitution and the laws;
- to further the full observance of citizens' rights and duties.
- to contribute to form in any and all citizens the conscience of respect to socialist legality, the compliance with duties and the correct observance of socialist coexistence rules.

2. For these purposes, it specifies which socially dangerous acts shall constitute an offense and which conducts shall be danger indexes, and sets forth the penalties and safety measures applicable to each and every case.

ARTICLE 2.1. Only those acts expressly provided for as offenses under the law, prior to their commission, shall be punished.

2. No individual shall be imposed a criminal punishment that is not provided for under the law prior to the punishable act.

### **TITLE II**

#### **EFFECTIVENESS OF THE CRIMINAL LAW**

##### **CHAPTER I**

#### **EFFECTIVENESS OF THE CRIMINAL LAW IN TIME**

ARTICLE 3.1. The applicable criminal law shall be that in full force and effect upon the commission of the punishable act.

2. Nevertheless, the new law shall be applicable to the offense committed prior to its enforceability should it be more favorable to the defendant.

3. Should, in accordance with a new law, the act punished in a sentence is no longer punishable, the imposed penalty and related effects shall be extinguished by operation of law.

4. Should, subsequent to the final judgment, a criminal law more favorable to the convict be passed, the court shall substitute the penalty imposed, by that applicable pursuant to the new law, arising from the declared fact proven in that resolution.

5. With reference to the application of security measures, it shall be observed the law in full force and effect upon the ruling of the court.

## CHAPTER II

### **EFFECTIVENESS OF THE CRIMINAL LAW IN SPACE**

ARTICLE 4.1. The Cuban criminal law is applicable to any and all offenses committed in the national territory or on board of Cuban ships or aircrafts, in any and all places there shall be; exceptions set forth by the treaties undersigned by the Republic excepted. Furthermore, it shall be applicable to offenses committed against natural and living resources of the sea bed and subsoil, in the waters immediately above the coast outside the territorial sea in the extension set forth by law.

2. The Cuban criminal law shall further be applicable to the offenses committed on board of a foreign ship or aircraft that is in Cuban sea or territorial space, whether committed by Cubans or foreigners; those committed by the foreign members of the crew among themselves excepted, unless for the event when, in this latter case, help is requested to the Republic authorities by the victim, the captain of the ship or the consul of the nation of the victim.

3. Notwithstanding what is hereinbefore provided, the foreign nation may claim to ascertain the process initiated by the proper Cuban bodies and the delivery of the defendant, in accordance with what has been set forth in the treaties for such event.

4. An offense shall be considered to have been committed in Cuban territory if the offender performs preparatory or execution acts therein, although the result occurred abroad or vice versa.

5. Issues arising from offenses committed in Cuban territory by diplomats or foreign citizens excluded from the jurisdiction of the courts of the Republic by international treaties, shall be resolved by diplomatic means.

ARTICLE 5.1. The Cuban criminal law is applicable to Cubans and individuals with no citizenship residing in Cuba that commit an offense abroad, should they be in Cuba or extradited.

2. The Cuban criminal law is applicable to any and all Cubans committing an offense abroad and shall be delivered to Cuba to be judged by its courts, in compliance with the treaties undersigned by the Republic.

3. The Cuban criminal law shall be applicable to any and all individuals with no citizenship not residing in Cuba who commit an offense abroad, should they be in Cuba and not be extradited, both whether they reside in the territory of the State where the acts are committed and or any other State, and provided the act is also punishable in the place where it was committed. This last requisite shall not be demandable should the act be an offense against the fundamental, political or economic interests of the Republic, or against humankind, human dignity or collective health, or should it be pursuable by virtue of the international treaties.

4. The punishment or portion of it the criminal fulfilled abroad for the same offense shall be deducted from the punishment imposed by the Cuban court; should, however, due to the diversity of kinds of both penalties this were impossible, it shall be calculated as the court might deem fitter.

5. For the cases provided for under paragraph 3 of this article, it shall only be proceeded upon request of the Ministry of Justice.

ARTICLE 6.1. The Cuban citizen may not be extradited to any other State whatsoever.

2. Extradition of foreigners shall only be performed pursuant to the international treaties, or, otherwise, in accordance with the Cuban law.

3. Extradition of foreigners pursued for having combated imperialism, colonialism, neocolonialism, fascism or racism, or for having defended the democratic principles or the rights of the working people, shall not proceed.

### TITLE III

#### **EXECUTION OF FOREIGN SENTENCE**

ARTICLE 7.1. Foreigners subject to a punishment of deprivation of freedom Cuban courts shall be able to be delivered, to fulfill the sanction, to the States of which they are citizens, in the cases and manner provided for under the treaties.

2. Likewise, Cuban citizens subject to a punishment of deprivation of freedom by foreign courts shall be received to fulfill the penalty in the national territory, in the cases and manner provided for under the treaties. The court that, in Cuba, had jurisdiction to proceed in the first instance of the act, shall have jurisdiction to rule the resolution determining the sanction to fulfill, which shall have the same effects to the first instance sentence.

### TITLE IV

## **THE OFFENSE**

### **CHAPTER I**

#### **DEFINITION OF OFFENSE**

ARTICLE 8.1. Offense shall be any and all action or omission socially dangerous prohibited by law under threat of a criminal punishment.

2. Any action or omission that, even when collecting any and all elements composing it, lack social dangerousness for the small significance of its consequences and the personal conditions of its author, shall not be an offense.

### **CHAPTER II**

#### **INTENTIONAL OFFENSES AND NEGLIGENCE OFFENSES**

ARTICLE 9.1. The offense can be committed intentionally or by negligence

2. The offense shall be intentional when the agent performs the action or omission consciously and willfully and wanted its result, or when, without wanting said result, predicted the possibility of occurrence and assumed this risk.

3. The offense shall be committed by negligence when the agent predicted the possibility of occurrence of the socially harmful consequences of its action or omission, but expected, carelessly, to avoid them; or when he did not predict the possibility of occurrence although he could have or should have predicted them.

4. Should, as a consequence of the action or omission, there be a more serious result than the one wanted, decisive for a more severe punishment, this shall be imposed solely if the agent could have or should have predicted said result.

### **CHAPTER III**

#### **UNITY AND PLURALITY OF ACTIONS AND OFFENSES**

ARTICLE 10.1. It shall be considered an only offense:

a) the different criminal acts when one of them is a necessary and vital means to commit another;

b) the different criminal violations arising from the same act.

2. In these cases, the punishment applicable shall be that corresponding to the most serious crime.

ARTICLE 11.1. The diverse criminal actions committed by the same agent when they attack the same legal right, are similar in the execution and are adequately close in time shall be considered an only crime of continuous nature. In this case, the minimum limit of the impossible punishment shall be increased in fourth and the maximum limit, in half.

2. When different criminal actions aim at inherent rights of the individual, they also have a continuous nature and constitute an only crime, insofar as they affect a sole victim.

## CHAPTER IV

### **THE CONSUMMATED OFFENSE, ATTEMPT AND PREPARATORY ACTS**

ARTICLE 12.1. Both the committed offense and its attempt shall be punishable. Preparatory acts are punished solely when they are offenses against the State security, and those provided for under the Special Part of this Code for which they are specifically set forth.

2. It shall be considered attempt when the agent began the execution of an offense without finishing it.

3. Preparatory acts encompass the organization of a plan, the acquisition or adaptation of means or instruments, the meeting, the association or the development of any other activity with the unequivocally purpose of committing an offense.

4. Attempt and preparatory acts shall be considered such provided they do not constitute, by themselves, a more serious offense.

5. Attempt, and where appropriate, preparatory acts, shall be suppressed with the same punishments set forth for the commission of the offenses they intend, the court, however, shall be able to diminish them up to two thirds of its minimum limits.

ARTICLE 13.1. Attempt shall not be punishable when the agent desists spontaneously from the act or avoids the criminal result.

2. Preparatory acts shall not be punishable either when the agent desists spontaneously from them, specially, by destroying the means prepared, canceling the possibility to use them in the future or warning authorities with reference to the act.

3. What is provided for hereinbefore shall not exonerate from any liability whatsoever the agent with reference to any other offense committed with its act.

## CHAPTER V

### **THE IMPOSSIBLE OFFENSE**

ARTICLE 14. Should, due to the acts committed, the means used by the agent to attempt the offense commission or for the subject matter with reference to which it attempted the commission, the offense was clearly impossible to be committed, the court shall be able to freely extenuate the punishment without adjusting to its minimum limit and even exempt it from said penalty, upon evident lack of danger.

## CHAPTER VI

### PLACE AND TIME OF THE ACTION

ARTICLE 15.1. The place of the commission of the offense shall be that where the agent acted or omitted his duty to act, or the place of occurrence of its effects.

2. The time of the commission of the offense shall be that when the agent acted or omitted his duty to act, notwithstanding the time of occurrence of its effects.

3. Attempt and preparatory acts shall be considered committed when and where the agent acted or when and where, according to his intention, effects should have occurred.

## TITLE V

### CRIMINAL LIABILITY

#### CHAPTER I

##### AGE

ARTICLE 16. Criminal liability shall solely be demandable to the individual of 16 years of age already upon commission of the punishable act.

ARTICLE 17.1. With reference to individuals over 16 years of age and under 18 years of age, minimum and maximum limits of punishments shall be able to be reduced to a half; and with reference to individuals from 18 years of age to 20 years of age, up to a third. In both cases, the purpose to reeducate the defendant, teach him a profession or occupation and instill the observance of law shall prevail.

2. The minimum limit of the punishments of deprivation of freedom may be reduced up to a third for individuals over 60 years of age upon their trial.

#### CHAPTER II

##### PARTICIPATION

ARTICLE 18.1. Criminal liability shall be demandable from authors and accomplices.

2. There shall be considered authors:



- a) those who commit the act by themselves;
- b) those who organize the offense plan and its performance;
- c) those who determine another individual criminally liable to commit an offense;
- ch) those who cooperate to the performance of the offense by acts without which the crime could have not been committed.
- d) those who perform the act by means of another individual who is not author or is unpunishable, or that does not respond criminally for the crime for having acted under violence or coercion, or by virtue of the error to which it was induced.

3. There shall be accomplices:

- a) those who foster another individual to persist in his intention to commit an offense;
- b) those who further or facilitate reports or means, or who provide advice to improve the performance of a punishable fact;
- c) those who, prior to committing the crime, promise the author to conceal him, suppress the footprints left or hide the objects obtained;
- ch) those who without being authors cooperate in the performance of the crime in any other way whatsoever.

4. With reference to crimes against humankind or human dignity or collective health, or those provided for under international treaties, there shall be authors any and all individuals criminally liable, whatever their form of participation.

ARTICLE 19.1. The court shall stipulate the punishments of the authors within the limits provided for the crime committed.

2. The punishment to be imposed to the accomplice shall be that corresponding to the crime, decreased in a third in its minimum and maximum limits.

3. The participant in a crime who spontaneously avoids its performance may be exempted from any sanction. If he solely tried to prevent it; it may be decreased up to in two thirds of its minimum limit.

### CHAPTER III

## **EXEMPTING CIRCUMSTANCES OF CRIMINAL LIABILITY**

### **FIRST SECTION**

#### **Insanity**

ARTICLE 20.1. Whoever commits a criminal act being mentally disturbed, under temporary mental disorder or mental retardation development shall be exempted from criminal liability, if by any of these causes he does not have the power to understand the scope of his action or to direct his conduct.

2. The limits of the punishment of deprivation of freedom stipulated by law shall be reduced to half should, upon the commission of the crime, the offender's power to understand the scope of his action or to direct his conduct, is substantially diminished.

3. The provisions of the two preceding paragraphs shall not be applied should the agent voluntarily place himself in a temporary mental disorder by ingesting alcoholic beverages or psychotropic substances, nor in any other case whatsoever in which he could have predicted the consequences of his action.

### **SECOND SECTION**

#### **Self Defense**

ARTICLE 21.1. Whosoever acts in self defense of his person or rights shall be exempted from criminal liability.

2. Whosoever prevents or repels an illegal, imminent or current and not provoked assault, and should the requisites hereinafter described concur, shall be acting in self defense:

a) objective need of the defense;

b) proportion between the assault and the defense, determined in each and every case with reasonable criteria, pursuant to the circumstances of individuals, means, time and place.

3. Whosoever defends a third party in the conditions and with the requisites demanded under paragraph 2 shall also be exempted from criminal liability, although the assault was provoked, should the defender not have taken part in the provocation.

4. Furthermore, whoever adequately prevents or repeals an imminent or current danger or damage to public peace or to the rights or social interests of the State, shall be acting in self defense.

5. Should whoever repeal the assault exceed the limits of self defense, and, specially, should he use means of defense disproportionate with regard to the danger originated by

the attack, the court may decrease the punishment up to in two thirds of its minimum limit; and should this excess have been committed due to the excitement or violent emotion provoked by the assault, it may even disregard any punishment whatsoever.

### THIRD SECTION

#### **State of Necessity**

ARTICLE 22.1. Whosoever acts in order to avoid an imminent danger threatening his own person or that of a third party, or a social or individual right, whatever this shall be, should the danger not have been able to be avoided in any other way whatsoever, nor should it have been intentionally originated by the agent, and provided the sacrificed right was inferior in value than the one saved, shall be exempted from criminal liability.

2. Should the agent be he who, due to his negligent action, originates the danger, or whether the limits of the estate of necessity are exceeded, the court may decrease the punishment up to in two thirds, or, should the circumstances of the case so justify it, the court may exempt him from liability.

3. The state of necessity shall not apply should the agent have the duty to resist the danger threatening his person.

### FOURTH SECTION

#### **The Error**

ARTICLE 23.1. Whosoever performs a prohibited act under the influence of an error relative to one of its constitutive elements, or having mistakenly assumed the concurrence of any circumstance that, should it have existed in fact, would have converted it in legal, shall be exempted from criminal liability.

2. What has been hereinbefore provided is not applicable when dealing with crimes committed by negligence, and the error is due to the negligence of the agent.

ARTICLE 24. Whenever by error or another accident whatsoever an offense is committed in prejudice of an individual different from he to whom the action was aimed at, the condition of the victim is not considered to increase the severity of the sanction.

### FIFTH SECTION

#### **Compliance with a Duty or Exercise of a Right, Profession, Position or Occupation**

ARTICLE 25.1. Whosoever causes damage upon acting in compliance with a duty or in the lawful exercise of his right, profession, position or occupation or by virtue of due obedience shall be exempted from criminal liability.

2. Due obedience means the obedience imposed by law to the agent, insofar as the act performed is within the powers of he who orders it and its execution within the duties of he who performed it.

3. In the event of excess in the limits of due obedience upon facing any of the preceding situations, the court may apply the extraordinary extenuation of the punishment.

## SIXTH SECTION

### **Insurmountable Fear**

ARTICLE 26.1. Whosoever acts driven by insurmountable fear of an unlawful, immediate, and equal or more significant evil than that produced shall be exempted from criminal liability.

2. Whenever the evil feared is less significant than that produced, but causes the agent, by his personal circumstances, an insurmountable fear determining his action, the court may decrease in up to two thirds the minimum limit of the imposable punishment.

## TITLE VI

### **THE PUNISHMENTS**

#### CHAPTER I

### **PUNISHMENT PURPOSES**

ARTICLE 27. The punishment does not solely intend to suppress the offense committed, but to reeducate the individuals subject to the penalty on the grounds of honest attitude towards work, strict compliance with the laws and observance to the socialist coexistence rules; and to avoid the commission of new crimes, both by those individuals punished and by other people.

#### CHAPTER II

### **TYPES OF PUNISHMENTS**

ARTICLE 28.1. Sanctions can be main and incidental.

2. Main sanctions shall be:

- a) death;
- b) deprivation of freedom;
- c) correctional work with internment;

- ch) correctional work without internment;
- d) restriction of freedom;
- e) fine;
- f) warning.

3. Incidental sanctions shall be:

- a) deprivation of rights;
- b) deprivation or suspension of parent-child rights and rights of custody
- c) prohibition to exercise a profession, position or occupation;
- ch) suspension of the driver's license;
- d) prohibition to frequent certain places or sites;
- e) exile;
- f) confiscation of the effects or instruments of the offense;
- g) forfeiture of property;
- h) subjection to the surveillance of bodies and agencies forming the Commissions of Prevention and Social Assistance;
- i) expulsion of foreigners from the national territory.

### CHAPTER III

#### MAIN SANCTIONS

##### FIRST SECTION

#### **Death Penalty**

ARTICLE 29.1. The death penalty is an exceptional form of punishment, and shall be applied by the court solely in the most serious cases of commission of those crimes for which is established.

2. Death penalty may not be imposed on those individuals less than 20 years of age or women who committed the crime when pregnant or who are pregnant when sentence was passed.

3. The death penalty shall be implemented by firing squad.

## SECOND SECTION

### **Deprivation of Freedom**

ARTICLE 30.1. The punishment of deprivation of freedom may not exceed the term of twenty years. Nevertheless, in relation to the offenses for which it is alternatively established with the death penalty, the court may extend its term up to thirty years.

The term of detention or of temporary imprisonment suffered by the punished individual shall be computed by operation of law to the term of the punishment.

2. The punishment of deprivation of freedom shall be fulfilled in the penitentiaries provided for under the law and its regulations.

3. The characteristics of said penitentiaries and the minimum terms in which punished individuals shall remain in each of them shall be determined by the corresponding regulations.

4. Those who are punished with the deprivation of freedom shall fulfill the penalty allocated in groups, and they shall fulfill it in isolation solely in those cases provided for under the regulations.

5. Men and women shall fulfill the punishment of deprivation of freedom in different penal establishments, or in separate sections of the same.

6. Those minors under 20 years of age shall fulfill the punishment in penal establishments specially designed for them, or in separate sections from those designed to individuals over said age. Nonetheless, it may be provided for individuals between 20 and 27 years of age to fulfill their punishment in the same conditions as those.

7. The progressive system shall be applied in the penal establishments as a method to fulfill the punishments of deprivation of freedom and as grounds for granting the parole release set forth in this Code.

8. The punished individual shall not be subject to physical punishments and no measure whatsoever shall be admissible against him that means humiliation or results in discrediting his dignity.

9. During the fulfillment of the punishment, punished individuals who are apt to work shall execute useful tasks, should they access to it.

ARTICLE 31.1. Those individuals punished with the deprivation of freedom, imprisoned in penitentiaries:

a) are paid for the useful social work they perform. The amount necessary to cover his maintenance expenses, fulfill the needs of his family and meet the civil liabilities established in the sentence and other legal liabilities established in the sentence shall be deducted from said remuneration.

b) are provided with suitable clothes, shoes and basic commodities;

c) are granted the ordinary daily rest and a weekly day of rest;

ch) are provided with medical and hospital assistance in the event of illness;

d) are granted the right to obtain long term service of social security in the event of total disability originated by labor accidents. If, naturally, the prisoner died, his family shall receive the corresponding pension;

e) are granted the opportunity to receive and widen their cultural and technical education;

f) pursuant to what is provided for under the regulations, they are granted the possibility to exchange correspondence with individuals who are not imprisoned in penal establishments and to receive visits and consumer products; they are authorized to use the conjugal pavilion; they are granted permissions to go out of the penal establishments for limited time; they are given the opportunity and means to enjoy leisure activities and practice sports in accordance with the activities scheduled by the penal establishments; and they are promoted to better penitentiary conditions.

2. The punishing court may concede the individuals punished to deprivation of freedom, for justified causes and prior request, the extra criminal leave for the time deemed necessary. This may further be conceded by the Home Office, for extraordinary reasons, serving notice of it to the President of the Supreme Court of the People's Power.

3. Individuals under 27 years of age imprisoned in the penal establishments receive a technical education or are taught an occupation in accordance with their skills and schooling level.

4. Time of the extra criminal leaves and of permissions to go out of the penal establishment shall be computed at the end of the term of the punishment of deprivation

of freedom, insofar as the punished individual, when enjoying the leave or permission, observed good conduct.

Moreover, the penalty decreases conceded to the punished individual when complying with it shall be computed upon said termination.

5. The time the punished individual remains in a hospital for his condition of usual dipsomaniac or drug addict requiring treatment, shall be calculated at the end of the imposed penalty. In relation to the punished individual imprisoned in a penitentiary that, due to presenting symptoms of mental disturbance, was submitted to security measures, it shall be observed what is provided for under the Law of Criminal Procedure in order to calculate the term he shall remain in this situation.

### THIRD SECTION

#### **Correctional Work with Internment**

ARTICLE 32.1. The punishment of correctional work with internment is complementary with that of the deprivation of freedom not exceeding three years and shall be applicable when, due to the nature of the offense and its circumstances and the individual circumstances of the punished individual, there are grounded reasons to consider his reeducation is susceptible to be obtained through work.

2. The term of the punishment of correctional work with internment is the same as the penalty of deprivation of freedom it replaces, previously established by the court.

3. Upon application of the punishment of correctional work with internment, the court shall impose on the punished individual the following duties:

a) to demonstrate, with his good attitude in the work center where he is sent, he understood the unfavorable consequences derived from the offense committed.

b) to use the income from his work to take care of and maintain his family, and to comply with the duties imposed in the sentence and other duties legally established.

4. The punishment of correctional work with internment shall be fulfilled in the work center determined by the proper bodies of the Home Office.

5. The individual punished to correctional work with internment shall be authorized to receive visits from his relatives and to obtain permits to go out of the internment center that contribute and improve his connection with his social and family environment.



6. Should the individual punished to correctional work with internment comply satisfactorily with his duties, the court may suspend the fulfillment of said penalty at any time whatsoever, prior request from the proper entities of the Home Office.

7. Upon the termination of the punishment, the court shall declare it extinguished and shall communicate it to the Ministry of Justice in order for it to cancel the criminal precedent arising from said penalty in the Central Registry of Punished Individuals.

8. Should the punished individual reject to fulfill the duties inherent to the penalty of correctional work with internment or, during its execution, he fails to comply with them or hinders its compliance, or is punished to deprivation of freedom for a new offense, the court shall rule he shall suffer the rest of the punishment of deprivation of freedom originally established, after deducting from said punishment the term fulfilled in that one.

## FOURTH SECTION

### **Correctional Work without Internment**

ARTICLE 33.1 The punishment of correctional work without internment is subsidiary with that of deprivation of freedom not exceeding three years, and is applicable when, due to the nature of the offense and its circumstances and due to the individual characteristics of the punished person, there are grounded reasons to consider his reeducation is susceptible to be obtained through work.

2. The term of the punishment of correctional work without internment is equal to the punishment of deprivation of freedom it replaces, previously established by the court.

3. Upon application of the punishment of correctional work without internment, the court shall impose on the punished individual the following duties:

a) to show, by a good attitude in the work center where he is placed, that he understood the goals pursued with the punishment.

b) to meet the needs of his family and fulfill the civil liabilities stated in the sentence, and other duties legally established.

4. The punishment of correctional work without internment does not apply to those individuals who were punished in the five previous years to the deprivation of freedom for a term higher than a year or a fine higher than three hundred quotas, unless the court deems fit that very well qualified, exceptional circumstances make it advisable.

5. The penalty of correctional work without internment is fulfilled in the work center of the punished individual or in another one the court deems fit.

6. The punished individual, in any and all cases, shall be sent to the position of less compensation or qualification, or of different work conditions and shall not be able to

perform executive, administrative or teaching functions, nor shall be entitled to promotions nor payment rises, for the term of execution of the punishment.

7. The punishment of correctional work without internment shall be fulfilled under the supervision and surveillance of the administration and mass and social organizations of the work center where he is placed. The court shall communicate the punishment to the Revolutionary National Police, in order for it to coordinate with them the appropriate forms of its performance and report the court with reference to the non-fulfillment of the duties imposed to the punished individual, pursuant to the statements received in relation to this subject from the above mentioned organizations and administration.

8. Should the punished individual reject to fulfill the duties inherent to the punishment of correctional work without internment or, during its execution, he fails to comply with them or hinders their compliance, or is punished to deprivation of freedom for a new offense, the court shall rule he shall fulfill the rest of the penalty of deprivation of freedom originally established, after deducting from said punishment the term fulfilled in that one.

9. Should the individual punished to correctional work without internment comply with the duties imposed on him, upon the termination of the punishment, the court shall declare the penalty extinguished and shall communicate it to the Ministry of Justice in order for it to cancel the criminal precedent arising from said sanction in the Central Registry of Punished Individuals.

## FIFTH SECTION

### **Limitation of Freedom**

ARTICLE 34.1. The punishment of limitation of freedom is subsidiary with that of deprivation of freedom not exceeding three years, and is applicable when, due to the nature of the offense and its circumstances and due to the individual characteristics of the punished individual, there are grounded reasons to consider his reeducation may be susceptible to be obtained without internment.

2. The term of the punishment of limitation of freedom shall be the same as that of the punishment of deprivation of freedom it replaces, previously established by the court.

3. During the execution of the punishment of limitation of freedom, the sanctioned individual shall:

a) not be able to change residence without court authorization.

b) not be entitled to promotions nor to pay rises.

c) be bound to appear before the court as many times as he is summoned to explain his conduct during the fulfillment of the punishment.

ch) have an honest attitude towards work, of strict observance of the law and respect for the socialist coexistence rules.

4. The punishment of limitation of freedom is not applied to those individuals who have been sanctioned in the five previous years to the deprivation of freedom for a term higher than a year or a fine higher than three hundred quotas, unless the court deems fit that very well qualified, exceptional circumstances make it advisable.

5. The punishment of limitation of freedom is fulfilled under the supervision and surveillance of the mass and social organizations of the place of residence of the punished individual. The court shall report the punishment to the Revolutionary National Police, in order for it to coordinate with them the appropriate forms of its performance and report the court in relation to the non-fulfillment of the duties imposed on the punished individual, pursuant to the statements received with reference to this subject from the above mentioned organizations.

6. Should the punished individual reject to fulfill the duties inherent to the punishment of limitation of freedom or, during its execution, he fails to comply with them or hinders its compliance, or is punished to the deprivation of freedom for a new offense, the court shall rule he shall fulfill the rest of the punishment of deprivation of freedom originally established, after deducting from said penalty the term fulfilled in that one.

7. Should the individual punished to limitation of freedom comply with the duties imposed on him, upon the termination of the punishment, the court shall declare the punishment extinguished and shall communicate it to the Ministry of Justice in order for it to cancel the criminal precedent arising from said penalty in the Central Registry of Punished Individuals.

## SIXTH SECTION

### **The Fine**

ARTICLE 35.1. The fine is the duty of the punished individual to pay the amount of money determined by the sentence.

2. The fines shall be formed by quotas that shall neither be lower than fifty cents nor higher than twenty pesos.

3. In the event of a fine punishment, the term of detention or temporary imprisonment shall be calculated at the rate of a day per quota.

4. In order to determine the amount of the quota, it shall consider the income of the offender, or, otherwise, the wage that workers of his same or similar category receive; taking care not to affect, to the extent possible, the portion of his resources intended for his own needs and those of the people of whom he is in charge.

5. The fine shall be paid within the term of thirty days as of the payment request performed by the court. Should the fine not be paid upon expiration of said term, the court shall order its collection by the legal proceedings for collection provided for under the corresponding legislation. In the event of insolvency, the punished individual shall be imprisoned in the establishment determined by the court for the term needed in order for him to comply with the fine or with its unpaid portion, suffering collection proceeding against personal property at the rate of a day by quota, which shall neither exceed six months should the fine be of two hundred or less quotas, nor two years, should it be higher than that amount. As soon as the punished individual fulfills the fine or the portion of it that remains to be paid, the collection proceeding against personal property shall be cancelled.

6. Should the punished individual request it and should there be reasons justifying it, the court shall be able to agree the payment of the fine in quotas within a term not exceeding two years. Payment default of any of the terms shall give rise to the loss of this benefit, therefore applying what has been provided for in the preceding paragraph with reference to it.

## SEVENTH SECTION

### **The Warning**

ARTICLE 36.1. The warning consists in reproaching the punished individual for his infringement, verbally, in public or in private, briefly and simply, taking care neither to humiliate him nor to harm his dignity and requesting him not to recidivate, suggesting him, should it be possible and timely, rational means to prevent new infringing conducts.

2. The court may impose the warning sanction in replacement of the fine up to one hundred quotas, whenever due to the nature of the act and the individual characteristics of the offender, it should be reasonable to assume that the aim of the punishment can be reached without affecting the property.

3. The warning, as a sanction that is subsidiary to the fine, may not be imposed more than once with reference to the similar infringements committed by the same individual in the lapse of a year, nor shall it be applicable to recidivists or multi-recidivists.

4. The warning is carried out by the president of the court or by another judge of said court appointed to that purpose.

## CHAPTER IV

## **INCIDENTAL SANCTIONS**

### **FIRST SECTION**

#### **Deprivation of Rights**

ARTICLE 37.1. The punishment of deprivation of rights encompasses the loss of the right to active and passive suffrage, and of the right to fill the executive position in the bodies of the administrative-political activity of the State, in state economic units and mass and social organizations.

2. The punishment of deprivation of rights is applied to any and all cases where the deprivation of freedom is imposed, and it lasts the same term as this one.

3. The court may extend the punishment of deprivation of rights for the same term as that of the deprivation of freedom as of the fulfillment of this one, not exceeding five years.

### **SECOND SECTION**

#### **Deprivation or Suspension of Parent–Child Rights and Rights of Guardianship**

ARTICLE 38. For the cases stipulated under this Code, the court may impose the punishment of deprivation or temporary suspension of the exercise of *Patria Potestas* or guardianship.

### **THIRD SECTION**

#### **Prohibition to Exercise a Profession, Position or Occupation**

ARTICLE 39.1. The punishment of prohibition to exercise a profession, position or occupation may be optionally applied by the court, whenever the agent commits the crime with abuse of his office, or by negligence when complying with his duties.

2. The term of this punishment is from one to five years, except otherwise stated in the Special Part, or whenever the imposed sanction is the deprivation of freedom superior to five years. In this latter case, the term of the incidental sanction of prohibition to exercise a certain profession, position or occupation may be extended until double as much the term of the main sanction.

### **FOURTH SECTION**

#### **Suspension of Driver's License**

ARTICLE 40. The penalty of suspension of driver's license disqualifies the punished individual to drive vehicles, and the court can optionally impose it for the events and conditions referred to under article 182.

## FIFTH SECTION

### **Prohibition to Frequent Certain Sites or Places**

ARTICLE 41.1. The punishment of prohibition to frequent certain sites or places is imposed for the term of up to three years.

2. The court may apply this punishment whenever there are grounded reasons to assume the presence of the sanctioned individual in a certain place may influence him to commit new offenses.

3. The sentence is communicated to the Revolutionary National Police so that the behavior of the punished individual may be monitored and oriented during its performance, and any non-fulfillment of the sanctioned individual is reported to the court.

## SIXTH SECTION

### **The Exile**

ARTICLE 42.1. The punishment of exile is the prohibition to reside in a certain place or the obligation to remain in a certain locality.

2. The term of the punishment of exile is from one to ten years.

3. The punishment of exile may be imposed on any and all cases where the stay of the sanctioned individual in a place is socially harmful.

4. The exile is not applicable to individuals who have not turned 18 years of age.

## SEVENTH SECTION

### **Confiscation of Effects or Instruments of the Offense**

ARTICLE 43.1. The punishment of the confiscation of the effects or instruments of the offense consists in dispossessing the sanctioned individual from the objects that served him, or were to serve him, to commit the offense; and those directly or indirectly arising from the same, not belonging to a non liable third party.

2. Those goods shall be used for the most useful purpose from the economic-social viewpoint or shall be destroyed should they be damaging substances or lack utility.

## EIGHTH SECTION

### **Forfeiture of Property**

ARTICLE 44.1. The punishment of forfeiture property consists in totally or partially dispossessing the sanctioned individual from his goods, transferring them to the State.

2. The forfeiture of property does not comprise, however, the goods or objects that are essential to meet the vital needs of the sanctioned individual or those of the relatives of whom he is in charge.

3. The punishment of the forfeiture of property is applied by the court as it deems fit in the crimes against the State security. Furthermore, it is applicable mandatory or optionally, in the rest of the crimes provided for under the Special Part of this Code in accordance with what is established.

## NINTH SECTION

### **Subjection to Surveillance of Bodies and Agencies Forming the Commission on Prevention and Social Attention**

ARTICLE 45.1. The punishment of subjection to surveillance of the bodies and agencies forming the commission on prevention and social attention consists in compelling the sanctioned individual to comply with the measures that they establish for purposes of observance and guidance of his conduct. The term of the sanction shall neither be less than six months nor longer than five years.

2. This punishment shall be applicable in any and all cases for which the court deems it fit due to the nature of the offense committed and the personal characteristics of the punished individual.

3. The performance of this punishment shall correspond to the above mentioned bodies of prevention, to which the court shall state, upon its ruling, the terms they must report in relation to its fulfillment.

## TENTH SECTION

### **Expulsion of Foreigners from the National Territory**

ARTICLE 46.1. Whenever a foreigner is punished, the court may impose, as an incidental sanction, its expulsion from the national territory should due to the nature of the offense, the circumstances of its commission or the personal characteristics of the offender, it be proven that his stay in the Republic is harmful.2. The expulsion is fulfilled subsequent to the extinction of the main sanction.

3. Notwithstanding what has been set forth in the preceding paragraph, the Council of Ministries may decree the expulsion of the foreigner prior to his compliance with the main sanction imposed on him, which, in this event, shall be declared extinguished in accordance with what is set forth in subparagraph j) of article 59.

## CHAPTER V

### ADJUSTMENT OF THE SANCTION

#### FIRST SECTION

##### **General Provisions**

ARTICLE 47.1. The court shall stipulate the punishment, within the limits established by law, guided by the socialist legal conscience and specially considering the index of social harm of the act, its extenuating and aggravating concurring circumstances, the motives of the offender, his record, his individual characteristics, his behavior subsequent to the commission of the offense and his possibilities to remedy it.

2. A circumstance that is an essential element of an offense may not be considered at the same time as an aggravating circumstance of criminal liability.

#### SECOND SECTION

##### **Adjustment of Punishment on Crimes Resulting from Negligence**

ARTICLE 48.1. Crimes resulting from negligence are punished with deprivation of freedom for a period of from five days to eight years, or with a fine from five to one thousand five hundred quotas. The punishment shall not exceed half of the penalty established for each and every offense in particular, except otherwise provided by the Special Part of this Code or in another law.

2. To adjust the sanction, the court considers, in each and every case, the seriousness of the infringement, the easiness to prevent or avoid its commission and whether or not the author previously committed another crime resulting from negligence.

#### THIRD SECTION

##### **Adjustment of the Punishment on Preparatory Acts and Attempt**

ARTICLE 49. To adjust the sanction with reference to preparatory acts and attempt, it shall be considered up to what extent the performance of the offender approached the execution or consummation of the offense and the reasons why it was not consummated.

#### FOURTH SECTION

##### **Adjustment of the Punishment with reference to Authors and Accomplices**

ARTICLE 50. To adjust the sanction in the event of plurality of authors, the court considers the degree to which each of them contributed to the commission of the offense, and for the accomplices, the importance and nature of their participation.



## FIFTH SECTION

### **Incommunicability of Circumstances**

ARTICLE 51. The strictly personal circumstances, that are grounds for exemption, extenuation or aggravation of the criminal liability, shall only be considered in relation to the individual in whom they concur.

## SIXTH SECTION

### **Extenuating or Aggravating Circumstances**

ARTICLE 52. The following shall be extenuating circumstances:

- a) whenever the agent acted under the influence of threat or coercion;
- b) whenever the agent acted under the direct influence of an individual with whom he has a close dependence relationship;
- c) whenever the offense was committed under the belief, though erroneous, that he was entitled to commit the punishable act;
- ch) whenever the agent acted by spontaneous impulse to avoid, repair or diminish the effects of the offense, or provide satisfaction to the victim, or confess to the authorities his participation in the act or contribute to its clarification;
- d) whenever the woman acted under disorders produced by pregnancy, menopause, menstrual period or puerperium;
- e) whenever the agent, prior to perpetrating the crime, had an outstanding conduct in the fulfillment of his duties to his native country, work, family and society;
- f) whenever the agent acted under severe psychic alteration produced by the unlawful acts of the offended individual;
- g) whenever the agent acted following a noble motive;
- h) whenever the agent incurred in any omission whatsoever due to fatigue arising from an excessive work.

ARTICLE 53. The following shall be aggravating circumstances:

- a) to commit the act forming part of a group formed by three or more individuals;
- b) to commit the act to make profits or other vile motives, or for futile motives;
- c) to cause severe consequences with the crime;
- ch) to commit the act with the participation of minors;
- d) to commit the crime with cruelty or by impulses of brutal perversity;
- e) to commit the act taking advantage of the circumstance of a public calamity or imminent danger arising from it;
- f) to commit the act by using a means that provokes common danger;
- g) to commit the crime with abuse of power, authority or trust;
- h) to commit the crime at night, or in a deserted area, or where there is little traffic or that is dark; these circumstances chosen on purpose or taking advantage of them;
- i) to commit the crime by taking advantage of the defenselessness of the victim or his dependence or subordination to the offender;
- j) the kinship between the offender and the victim until the fourth degree kinship. This aggravating circumstance shall solely be considered for the crimes against life and physical integrity, and against the ordinary development of intercourse, family, infancy and youth.
- k) to commit the act notwithstanding the friendship or close affection between the offender and the offended individual;
- l) to commit the crime under the effects of ingestion of alcoholic beverages and insofar as under said situation the agent willingly decided to commit the offense or that drunkenness is habitual.
- ll) to commit the crime under the effects of the ingestion, absorption or injection of toxic drugs or hallucinating, hypnotic substances or narcotics or other ones of similar effects and provided that the agent willingly decided to commit the offense or that he is a habitual drug addict;

m) to commit the act when fulfilling a sanction or during the trial period corresponding to his parole;

n) to commit the act subsequent to receiving an official warning from proper authority;

## SEVENTH SECTION

### **Extraordinary Extenuation of the Sanction**

ARTICLE 54. Should, because various extenuating circumstances concur or one of them be shown intensively, and considering the attitude of the agent after the commission of the offense, there be reasons to believe the punishment provided for the offense in question -even when the minimum limit was imposed- is too severe, the court shall be able to decrease it up to half the amount of the minimum limit.

## EIGHTH SECTION

### **Recidivism and Multi-recidivism**

ARTICLE 55.1. There is recidivism whenever the offender committed the crime having previously been punished irrevocably for another intentional offense, whether it be of the same or of different nature.

2. There shall be multi-recidivism whenever the offender committed the offense having previously been sanctioned irrevocably for two or more intentional crimes, whether they be of the same or of different nature.

3. Recidivism and multi-recidivism shall be optionally considered by the court, taking into account the nature of the committed crimes and their circumstances, and the individual characteristics of the sanctioned individual.

4. Whenever the court considers the recidivism or multi-recidivism with reference to the offender committing an intentional crime punished with a sanction that exceeds a year of deprivation of freedom or three hundred quotas of fine, it shall adjust the sanction as follows:

a) should he have been previously punished for an offense of the same nature as that being judged, within the resulting scale after having increased by a third its minimum and maximum limits;

b) should he have been previously punished for two or more offenses of the same nature as that being judged, within the resulting scale after having increased by half its minimum and maximum limits;

c) should he have been previously punished for an offense of a different nature from that being judged, within the resulting scale after having increased by a fourth its minimum and maximum limits;

ch) should he have been previously punished by two or more offenses of a different nature from that being judged, within the resulting scale after having increased by a third its minimum and maximum limits;

5. In any of these cases, the court may stipulate, in the same sentence, that once the punishment of deprivation of freedom has been fulfilled, the sanctioned individual be subject to the special surveillance of the bodies of the Revolutionary National Police for the term of three to five years and to impose on him all or some of the duties specified below, that may opportunely be changed or modified by the court.

a) prohibition to change residence without court authorization;

d) prohibition to frequent certain sites or places;

c) appearance before the court whenever it stipulates it;

ch) any other measure that may contribute to his reeducation.

6. For the purposes of applying the provisions contained in this article, the courts shall take into account the sentences issued by the foreign courts; these proven pursuant to the treaties undersigned by the Republic or, otherwise, by means of a certificate issued by the Central Registry of Punished Individuals.

## NINTH SECTION

### **Joint Sanction**

ARTICLE 56.1. The court shall impose a sole punishment on the individual liable for two or more offenses with reference to which the sentence has not yet been ruled, with application in regard of it of articles 10 and 11, previously considering the sanctions corresponding to each of them, and observing for said purpose, the following rules:

a) should, due to any of the concurring crimes the death penalty be imposed, it shall solely apply this sanction;

b) should due to all the concurring crimes, a punishment of deprivation of freedom have been stipulated, it shall solely impose one sanction, that may neither be lower to the highest rigor punishment not exceed the total of those separately stipulated for each crime, and with a maximum limit of twenty years; the case

provided for under paragraph 1 of article 30, in which said limit may be up to thirty years, excepted.

c) should it have imposed a fine to all infringements, it shall impose a sole fine, that may neither be lower than the highest rigor one imposed nor exceed the addition of those it imposed separately for each and every infringement, with a maximum limit of twenty thousand quotas.

ch) should punishments of deprivation of freedom and fine have been stipulated, it adds fines to those, subsequent to converting in one those of each and every class, following the previous rules;

d) it shall apply to any or all the incidental sanctions corresponding to concurring crimes.

2. Whenever an individual that was previously sanctioned is punished again for a new offense, should he have not begun to comply with the previous sanction, or should he be fulfilling it, the sanction shall be imposed with reference to any and all crimes, applying the provisions contained in the previous paragraph and considering the penalty previously imposed or the time it remains to be fulfilled, as that corresponding to said offense. Nevertheless, should it be a People's Municipal Court the one that rules with reference to the new offense and the previous punishment has been ruled by a court of a higher instance, the former shall solely impose the sanction corresponding to the offense it judges and inform the former, with the pertinent record of the respective cases, in order for it to apply the joint sanction.

3. Whenever an individual is fulfilling two or more punishments of deprivation of freedom because a sole punishment was not timely imposed due to any circumstance whatsoever, the court that ruled in the last case shall claim the pertinent record of the previous case and shall proceed to apply the joint sanction. Should the different sanctions have been imposed by courts of different instances, the court of higher category shall always impose the joint sanction.

4. Whenever an individual is in a penal establishment fulfilling the sanction and commits a new crime, it shall be proceeded to form a joint sanction, unless due to the nature and form of execution of the acts and the personal characteristics and behavior of the offender, the court -subsequent to listening to the opinion of the direction board of the penal establishment and the prosecutor- decides not to apply it.

## CHAPTER VI

### **Conditional Remission of Punishment**

ARTICLE 57.1. The courts, upon issuing a sentence both in first instance and in appealing or cassation, may use the conditional remission of the punishment of

deprivation of freedom not exceeding three years, if, considering the individual characteristics of the sanctioned individual, his background, his personal relationships and the environment where he lives, there are grounded reasons to believe the aim of the punishment may be reached even without executing the penalty.

2. The conditional remission is not applicable to recidivists, unless extraordinary, very much qualified circumstances deem it fit. It shall not be applied in any case whatsoever to the multi-recidivist.

3. The court may subject the conditional remission to the commitment assumed by a political, mass or social organization to which the sanctioned individual belongs, or by his work commune or military unit, that it shall guide him and shall adopt the appropriate measures in order for the offender not to commit a new offense in the future.

4. The conditional remission of the punishment implies a trial period lasting from one to five years, but in no case whatsoever it may be lower than the term of the imposed penalty. The trial period of the conditional remission starts as of the time final sentence is issued.

5. Furthermore, the court may impose on the punished individual benefiting from the conditional remission, all or some of the following duties:

a) to repair the damage caused;

b) to apologize to the victim of the offense;

c) to avoid frequenting certain sites or places;

ch) any other activity or restriction of activity contributing to prevent the offender from committing a new crime.

The duties mentioned in subparagraphs c) and ch) may be modified or varied by the court at any time during the trial period.

6. The court shall communicate the conditional remission agreed to the bodies of the Revolutionary National Police and to the mass and social organization of the work center and place of residence of the punished individual, so that the beneficiary's conduct may be monitored and oriented during the trial period.

7. The court shall order the implementation of the sanction should, during the trial period, the beneficiary of the conditional remission be sanctioned to the deprivation of freedom for a new offense or should he fail to comply with any of the duties he must fulfill or should he have an antisocial conduct; or whenever the political, mass or social organization, the work commune or military unit, remove the guarantee they offered or should it be discovered that during the five previous years he committed an offense whose nature is incompatible with granting said benefit.

8. The order to implement the remitted penalty may solely be issued within the trial period. Nevertheless, it may be issued in the subsequent six months should the revocation cause be known by the court after the expiration of said period.

9. Once the trial period expired without any determining reason to revoke the conditional remission of the punishment, the court shall declare the punishment extinguished.

10. The political, mass or social organizations, or the work commune, or military unit which committed to guide the sanctioned individual and the bodies of the Revolutionary National Police or the mass and social organizations that, as provided for under paragraph 8, were in charge of observing and guiding the behavior of the sanctioned individual, may request the court, by grounded instance, the trial period to be shortened, provided he complied with half of it.

## TITLE VII

### **PAROLE**

ARTICLE 58.1. The court may order the parole of the individual punished to deprivation of freedom if, considering his individual characteristics and his behavior during his imprisonment, there are grounded reasons to believe he has rectified himself and that the aim of the punishment has been achieved without any need whatsoever to implement the sanction totally, provided it has fulfilled at least, one of the following terms:

a) the third part of the punishment imposed, whenever it refers to sanctioned individuals who are not 20 years of age upon beginning to fulfill the sanction.

b) half of the term of the imposed sanction, whenever it refers to individuals punished for the first time;

c) two thirds of the imposed sanction, whenever it refers to recidivists or multi-recidivists.

2. In extraordinary cases, the Ministry of Justice, previously listening to the opinion of the Home Office Minister, may propose to the corresponding divisions of the People's Supreme Court - and these may grant- the parole, even though the portion stipulated in the previous paragraph has not been fulfilled.

3. Parole is granted prior assessment of conduct that shall be made by the corresponding body of the Home Office. In any case, the opinion of the prosecutor shall be heard.

4. The parole implies a trial period for a term equal to the remaining portion of the punishment that the released individual needs to fulfill.

5. The court may subject granting the parole to the punished individual to the fact that any political, mass or social organization, or military unit to which he belongs, or to his work commune, commits to guide his conduct and adopt the necessary measures for him not to incur in a new crime in the future.

6. The court shall communicate the parole agreed to the bodies of the Revolutionary National Police and to the mass and social organizations of the place of residence of the punished individual, so that the conduct of the beneficiary may be monitored and oriented during the trial period.

7. The court shall order the implementation of the non fulfilled portion of the sanction if, during the trial period when he is enjoying the parole he is punished by the deprivation of freedom for a new offense or has an antisocial behavior; or the political, mass or social organization, the work commune, or military unit that offered the guarantee, removes it.

8. In the event of revocation of parole, the time the released individual enjoyed said freedom, shall be computed to the fulfillment of the sanction.

## TITLE VIII

### **EXTINCTION OF CRIMINAL LIABILITY**

ARTICLE 59. The criminal liability shall be extinguished by:

- a) death of the accused;
- b) having completed the imposed punishment
- c) the termination of the trial period corresponding to the conditional remission of the punishment.
- ch) amnesty;
- d) pardon;
- e) sentence acquittal issued in revision proceeding;
- f) by statute of limitation of the criminal action;
- g) by statute of limitation of the sanction;
- h) by abandonment of the complainant with reference to the offenses pursuable solely at the request of the party;
- i) by abandonment of accuser in the offenses where it is so provided for under the Special Part of this Code;



j) by expulsion from national territory of the sanctioned foreigner in the event referred to under paragraph 3 of article 46.

ARTICLE 60. The death of the convicted individual extinguishes the criminal liability; but the civil liability is extinguished solely when the sanctioned individual dies in state of insolvency.

ARTICLE 61.1. Amnesty extinguishes the sanction and all its effects, although it does not extend to the civil liability, unless the corresponding law provides otherwise.

2. The individual punished by offenses joined in a substantive connection, shall solely be considered granted amnesty whenever in such law of amnesty any and all crimes composing the concurrence of crimes are included. Otherwise, he shall fulfill the punishment corresponding to the offense or offenses that have not been subject matter of the amnesty.

ARTICLE 62.1. The pardon solely extinguishes the main sanction and never the incidental sanctions, unless they have been expressly included in it.

2. The pardon shall neither encompass civil liability not extend to canceling the criminal records of the convict in the Central Registry of Punished Individuals, unless it is definitive and these effects are expressly provided for under the resolution agreed.

ARTICLE 63. The acquitting sentence issued in a revision proceeding extinguishes the civil and criminal liability.

ARTICLE 64.1. Criminal action shall lapse due to the course of the following terms, counted as of the commission of the punishable act:

a) twenty five years, whenever the law stipulates a punishment of deprivation of freedom for a period higher than ten years for the offense.

b) fifteen years, whenever the law stipulates a penalty of deprivation of freedom for a period of from six years and a day to ten years for the offense;

b) ten years, whenever the law stipulates a penalty of deprivation of freedom for a period of from two years and a day to six years for the offense;

ch) five years, whenever the law stipulates any other penalty of deprivation of liberty;

d) three years, whenever the law stipulates any other punishment.

2. Whenever the law stipulates more than one punishment for certain offenses, it shall be observed, with regard to the calculation of the precedent terms, the most qualitatively serious, and within this one, the maximum limit the law stipulates for said offense.

3. The lapse shall be interrupted:

- a) as of the beginning of the procedure against the culprit;
- b) any act of proper body of the State, aimed at pursuing the author;
- c) should the author, during the lapse, commit a new offense.

4. Subsequent to each and every interruption, the lapse shall begin to run again. In these cases, the criminal action further lapses when it runs twice as much time as the term stipulated for its lapse.

5. Provisions with regard to the lapse of the criminal action are not applicable for the cases where the law provides for the death penalty and in the crimes against humanity.

ARTICLE 65.1. The punishments imposed by final judgment lapse and may not be executed by the course of the following terms:

- a) thirty years, whenever the imposed punishment is death;
- b) twenty five years, whenever the imposed punishment exceeds a period of ten years of deprivation of freedom;
- c) twenty years, whenever the imposed punishment is for a period of from six years and a day to ten years of deprivation of freedom;
- ch) ten years, whenever the imposed punishment is for a period of six years or less time of deprivation of freedom;
- d) five years, with reference to all the rest.

2. Should more than a punishment be imposed, the most serious shall be observed for the purposes of calculating the preceding terms.

3. The lapse shall be interrupted:

- a) during the time when, by provision of the law, the punishment may not be performed;
- b) by any provision of the court, aimed at achieving the implementation of the action.

4. Subsequent to each and every interruption, the lapse shall begin to run again. In these cases, the execution of the punishment shall further lapse when it runs twice as much time as the stipulated term for its lapse.

5. Provisions with regard to the lapse of the punishment are not applicable with reference to the crimes against humanity.

## TITLE IX

### CRIMINAL RECORDS

ARTICLE 66. The following shall constitute criminal records and are therefore registered in the Central Registry of Punished Individuals:

a) the punishments imposed in final judgment by the People's Courts; the warning and the fine lower than two hundred quotas exempted.

b) the punishments imposed by the Military Courts for non-military crimes; the warning and the fine lower than two hundred quotas exempted.

c) the punishments imposed by the Military Courts for military crimes, when it is expressly so provided for in the sentence;

ch) the punishments applied to Cuban citizens by foreign courts, in the cases and conditions provided for in the regulations.

ARTICLE 67.1. The criminal records are cancelled at court's discretion or by request of the interested party.

2. The criminal records are cancelled at court's discretion whenever the Central Registry of Punished Individuals, by any means, has ascertained that any of the following circumstances have occurred:

a) death of the punished individual;

b) the sanctioned individual reached the age of seventy and is not fulfilling a punishment;

c) acquittal in process of revision or judicial inspection was issued.

ch) amnesty;

d) final pardon, insofar as in the agreement granting it, the cancellation of the criminal record is expressly provided;

e) whenever the criminal record refers to the actions that, due to a subsequent criminal law, do not constitute a crime any longer;

f) to be specifically provided for under this Code;

g) whenever ten years elapsed as of the date the sanction was imposed.

3. The cancellation at court's discretion to which subparagraph g) refers in the paragraph above mentioned, shall not proceed, in any case whatsoever, whenever it deals with recidivists or multi-recidivists, or whenever they are punished for crimes against the State.

4. The criminal records shall further be cancelled by the Ministry of Justice, at request of the punished individual, provided he has complied with the following requisites:

a) whenever the punished individual extinguished any and all punishments imposed, or, in the event of pardon, conditional remission, or parole, because the term when they had to be fulfilled elapsed.

b) whenever the punished individual fully complied with civil liability, or when he is satisfactorily complying with it.

c) whenever subsequent to the extinction of the penalty, the term pursuant to the quantity or nature of the penalty imposed, is provided for under the paragraph below;

ch) whenever subsequent to fulfilling his sentence, from the time he was pardoned, his penalty was remitted or he was put on parole, the punished individual behaved adjusted to the social rules of coexistence and had an honest attitude towards work.

5. The time that shall elapse, for the purposes of cancellation of criminal records at the request of the interested party, shall be that corresponding as per the scale below:

a) ten years, whenever the imposed sanction is the deprivation of freedom for a period of from ten years and a day to thirty years; b) eight years, whenever the sanction imposed is of deprivation of freedom for a period of from six years and a day to ten years;

c) five years, whenever the sanction imposed is of the deprivation of freedom for a period of from three years and a day to six years;

ch) three years, whenever the sanction imposed is of deprivation of freedom for a period of from one to three years;

d) one year, whenever it refers to any other sanction.

6. Notwithstanding the abovementioned in the preceding paragraph, if subsequent to fulfilling the sentence, the punished individual has a conduct adjusted to the rules of coexistence in society and an exemplary attitude at work, the Ministry of Justice may, should he have fulfilled the other requisites, cancel the criminal records without waiting for the corresponding term of the preceding scale to elapse.

ARTICLE 68. The cancellation, in any case, shall have the effect to nullify the criminal records in the Central Registry of Punished Individuals and in any other registry, archive or file whenever said records arise from the same sentences.

ARTICLE 69. The way to proceed for the registry, cancellation at court's discretion or upon the request of the interested party, and the issuance of certificates of criminal records and the delivery of information and other issues related to the Central Registry of Punished Individuals, shall be ruled by special provisions issued by the Ministry of Justice.

## TITLE X

### **DECLARATION AND IMPLEMENTATION OF CIVIL LIABILITIES ARISING FROM THE CRIME**

ARTICLE 70.1. Whosoever is criminally liable shall further be civilly liable for damages caused by the offense. The court handling the offense stipulates the civil liability and its extension applying the corresponding rules of the civil legislation and, furthermore, directly executes the duty to restitute the object, repair the moral damage and adopt the necessary measures in order for the real property to be vacated and restituted to the corresponding body in the cases provided for under articles 231, 232 y 333.

2. In any case, should the punished individual refuse to perform the acts corresponding to repair the moral damage, the court shall impose the subsidiary imprisonment for a period neither inferior to three months nor exceeding six. Whenever the punished individual complies with his obligation, what remains to be fulfilled of the subsidiary penalty shall be rendered ineffective; the proceedings being archived.

3. For the case provided for under article 306, the court shall decree the nullification of the second or latter marriage in the sentence.

ARTICLE 71.1. The Compensation Fund is the agency in charge of enforcing the civil liabilities consisting in the compensation of material damage and the indemnification for damages. For these purposes, it shall demand payment from the obliged individuals and

shall pay the due amounts to the victims or bodies, agencies, institutions or work centers subrogated in their rights.

2. Apart from the amounts paid for the civil liability, the Compensation Fund shall receive the following earnings:

- a) discounts in remunerations due to the work of the prisoners, to pay for the portions not met as civil liability;
- b) money confiscated as effect or instrument of the crime, and what was ordered to be returned and was not claimed within the term of a year as of the final sentence;
- c) civil liabilities not claimed by their owners within the legal term;
- ch) charges imposed on the cases of delay in the payment of civil liability;
- d) the amount of the bails seized in judicial processes;
- e) the discounts to beneficiaries;
- f) any other income determined by law.

3. Whosoever, having been declared civilly liable for an offense in the sentence, does not comply with the liability to which he is obliged, shall have his wage, salary or any other economic income seized, in the amount provided for under law. Seizure shall be carried out by official notice served by the Compensation Fund to the corresponding work center or office in charge of the payment, which shall be obliged upon reception of said official notice to comply with it, providing the corresponding orders so that the stated amounts are periodically and regularly discounted, retain them under its responsibility and remit them to the Compensation Fund, in a term not exceeding five working days as of the retention. Furthermore, all kinds of goods and rights of the civilly liable individual may be subject matter of the seizure; those expressly excluded by the civil procedural legislation excepted.

## TITLE XI

### **DANGEROUSNESS AND SECURITY MEASURES**

#### CHAPTER I

#### **DANGEROUSNESS**

ARTICLE 72. Dangerousness is considered the special inclination which an individual has to commit crimes depicted by his behavior in manifest contradiction to the rules of socialist morality.

ARTICLE 73.1. Dangerousness is shown whenever some of the following indicators of dangerousness concur in the individual:

- a) habitual drunkenness and dipsomania;
- b) drug addiction;
- c) antisocial behavior.

2. Dangerousness is considered as antisocial behavior by whosoever habitually breaches the rules of social coexistence through acts of violence or provocation, or violates the rights of others or who through his general behavior damages the rules of coexistence, disturbs the order of the community, lives like a social parasite off the work of others or practices socially reprehensible habits.

ARTICLE 74. Furthermore, dangerousness is considered the condition of the mentally disturbed individuals and of those mentally retarded should, by virtue of this reason, neither have the power to understand the scope of their actions nor to control their behavior, insofar as they represent a threat for the security of individuals or of the social order.

## CHAPTER II

### OFFICIAL WARNING

ARTICLE 75.1. Whoever, not subject to any of the dangerousness conditions referred to in article 73, by his connections or relationships with individuals who are potentially dangerous for the society, the rest of the people and the social, economic and political order of the socialist State, may be biased to crime, shall be subject to warning by the proper police authority, in order to prevent him from incurring in activities that are socially dangerous or criminal.

2. The warning shall be made, in any case, by means of a certificate expressly establishing the reasons which determined so, and what the warned individual states with reference to it; being undersigned by him and the acting party.

## CHAPTER III

### SECURITY MEASURES

#### FIRST SECTION

## **General Provisions**

ARTICLE 76.1. The security measures may be decreed to prevent the commission of offenses or due to their commission. For the former case, they are called pre criminal security measures; for the latter, post criminal security measures.

2. The security measures are applied when the individual depicts any of the dangerousness indicators provided for under articles 73 and 74.

ARTICLE 77.1. The post criminally security measures, by general rule, shall be fulfilled subsequent to the extinction of the imposed penalty.

2. Should, during the compliance with a security measure applied to an individual who is criminally liable, he be imposed a punishment of deprivation of freedom, the implementation of the security measure shall be suspended; being applied again once the sanction is fulfilled.

3. Should, in the case hereinbefore, the punished individual be on parole, the security measure shall be considered extinguished upon the termination of the trial period insofar as the parole was not revoked.

## **SECOND SECTION**

### **Pre criminal Security Measures**

ARTICLE 78. Whoever is declared in a dangerousness condition in the corresponding process may be imposed on the most appropriate pre criminal security measure among those hereinafter described:

- a) therapeutic measures;
- b) reeducational measures;
- c) measures of surveillance by the agencies of the Revolutionary National Police.

ARTICLE 79.1. The therapeutic measures shall be:

- a) internment in a health care facility, psychiatric or detoxification institution;
- b) allocation to a specialized school, with or without internment;
- c) external medical treatment;



2. The therapeutic measures are applied to the mentally disturbed and to those mentally retarded individuals in dangerousness condition, to dipsomaniacs and drug addicts.

3. These measures are executed until the individual is free from the dangerousness condition.

ARTICLE 80.1. The reeducational measures shall be:

a) internment in a specialized labor establishment or school;

b) allocation to a work commune so that the behavior of the individual in dangerousness condition may be monitored and oriented.

2. The reeducational measures shall be applied to antisocial individuals

3. These measures shall have a minimum period of one year and a maximum of four.

ARTICLE 81.1. The surveillance by the officials of the Revolutionary National Police agencies consists in monitoring and guiding the behavior of the subject who is in dangerousness condition.

2. This measure is applicable to dipsomaniacs, drug addicts and the antisocial individuals.

3. This measure shall have a minimum period of one year and a maximum of four.

ARTICLE 82. The court may impose the pre criminal security measure of the type it deems fit in accordance with the corresponding indicator, and shall establish its term within the limits stipulated for each case, opting between those of detention and non detention nature, pursuant to the severity of the dangerousness condition of the individual and his possibilities of reeducation.

ARTICLE 83. The court, at any time during the course of the implementation of the pre criminal security measure may change its type or duration, or suspend it upon request of the agency responsible for its implementation or at court's discretion. In this latter case, the court shall request a report of said executing agency.

ARTICLE 84. The court shall communicate to the prevention agencies of the Revolutionary National Police the pre criminal security measures agreed they shall fulfill in freedom, for the purposes of its implementation.

### THIRD SECTION

#### **Post criminally Security Measures**

ARTICLE 85. The post criminally security measures may be applicable to:

a) the mentally disturbed or the mentally retarded who is declared unindictable pursuant to what is provided for under paragraph 1 of article 20.

b) any individual who, during the fulfillment of a punishment of deprivation of freedom became mentally disturbed.

c) the dipsomaniac or drug addict individual who committed an offense;

ch) to any recidivist or multi-recidivist who fails to comply with any of the obligations imposed on him by the court.

ARTICLE 86. If the fact of the mentally disturbed individual declared unindictable as per paragraph 1 of article 20 remaining free, may mean a jeopardy for the security of the people or the social order, the court shall impose a security measure consisting in his internment in a psychiatric hospital or in a specialized teaching center for the term needed for his cure. In this case, the hospital or specialized facility shall communicate so to the corresponding court.

ARTICLE 87.1. Whoever, while serving a sentence of imprisonment, suddenly becomes mentally disturbed shall be suspended from the execution of said penalty; his internment in the psychiatric hospital be decreed by the court in charge of the penalty fulfillment.

2. This measure shall take place until the individual subjected to it recovers his health.

ARTICLE 88. Should the crime be committed by a dipsomaniac or drug addict, the court may order his internment in a health care facility to detoxify him prior to the implementation of the punishment.

ARTICLE 89. On the recidivist or multi-recidivist not fulfilling any of the obligations imposed by the court subsequent to the extinction of the punishment pursuant to what is provided for under article 55, or who has hindered its fulfillment, the court may impose a security measure encompassing his internment in a center for his readjustment for a term that is not anticipatorily stipulated, but which may not exceed five years.

ARTICLE 90. The court that issued the sentence, may further:

a) decree a new security measure not imposed on it, should the subsequent behavior of the punished individual prompt it.

d) disregard a security measure imposed if the dangerousness condition that prompted it has disappeared, or replace it with another more suitable measure;

c) issue a new security measure while the one ordered is being carried out, to replace the latter or without revoking the latter, if the individual in question shows new or differing symptoms of posing a danger.

## **BOOK II**

### **SPECIAL PART**

#### **OFFENSES**

##### **TITLE I**

#### **CRIMES AGAINST THE STATE SECURITY**

##### **CHAPTER I**

#### **CRIMES AGAINST FOREIGN**

#### **STATE SECURITY**

##### **FIRST SECTION**

#### **Acts against the Independence or the Integrity of the State Territory**

ARTICLE 91. Whosoever, in the interest of a foreign State, carries out an act with the aim of harming the independence of the Cuban State or the integrity of its territory shall be subject to a punishment of deprivation of freedom for a period of from ten to twenty years or death.

##### **SECOND SECTION**

#### **Instigation of Armed Action against Cuba**

ARTICLE 92. Whosoever performs an act aimed at instigating war or any other act of armed aggression against the Cuban State, shall be subject to a punishment of deprivation of freedom for a period of from ten to twenty years or death.

##### **THIRD SECTION**

#### **Armed Service against the State**

ARTICLE 93.1. The Cuban who bears arms against his country under enemy flags, shall be subject to a punishment of deprivation of freedom for a period of from ten to twenty years or death.

2. The foreigner residing in Cuba who bears arms against the Cuban State under enemy flags shall be subject to the same sanction as above.

#### FOURTH SECTION

##### **Help to the Enemy**

ARTICLE 94.1. It shall be subject to a punishment of deprivation of freedom for a period of from ten to twenty years or death, he who:

a) facilitates the enemy the access to the national territory, or the seizure or destruction of the defense facilities, positions, weapons and other war and defense means, or vessel, aircraft of the Cuban State;

b) provides the enemy with money, arms, ammunitions, vessels, aircrafts, effects, supplies or any other suitable or effective means to harass the Cuban State;

c) provide the enemy with plans, maps, views or reports of camps, zones, facilities or military units, works, defense means or any other document or news efficiently aiming at harassing the Cuban State or to favor the progress of the enemy weaponry;

ch) impedes the national troops from, in a war situation, receiving the means expressed under subparagraph b), or the information with reference to the enemy referred to under subparagraph c);

d) performs any activity whatsoever aimed at seducing national troops or that services the Cuban State to join up the enemy ranks or deserts its flags;

e) recruits individuals in the national territory or outside said territory, to serve the armed forces of the enemy.

f) favors the progress of the enemy armed forces in any other manner whatsoever not specified in the preceding subparagraphs.

2. Whosoever commits any of the acts provided for under the preceding paragraph, against a foreign State allied of the Cuban State, if he is taking military actions against a common enemy, shall be subject to the same sanction.

## FIFTH SECTION

### **Revelation of Secrets with reference to the State Security**

ARTICLE 95.1. Whosoever, outside of that foreseen in article 97, reveals political, military, economic, scientific, technical secrets or those of any nature with regard to the State security shall be subject to a punishment of deprivation of freedom for a period of from four to ten years.

2. The punishment shall be the deprivation of freedom for a period of from eight to fifteen years:

a) if the culprit possessed the secret due to his job or because it had been entrusted to him;

b) if the culprit knew the secret surreptitiously or by any other unlawful means;

c) if, due to the act, serious consequences take place.

3. The punishments stipulated in the preceding paragraphs shall further be imposed, in the corresponding cases, on whosoever procures and obtains the revelation of the secret.

ARTICLE 96. Whosoever, by imprudence, permits any of the secrets referred to under the preceding paragraph be known, shall be subject to a punishment of deprivation of freedom for a period of from one to four years.

## SIXTH SECTION

### **Espionage**

ARTICLE 97.1. Whosoever, in detriment of the State security, takes part, collaborates or maintains links with the information services of a foreign State, or provides them reports, or obtains them or procures them in order to communicate them to said foreign State, shall be subject to deprivation of freedom for a period of from ten to twenty years or death.

2. Whosoever, provides a foreign State secret information whose use may result in prejudice of the Republic, or obtains them, or collects them or stores them with the same objective shall be subject to the same sanction.

3. Whosoever, without due authorization, performs reconnaissances, photographs, obtains reports or draws, or makes or possesses plans, maps or views of camps, emplacements, military zones or units, defense works or means, railroads, war vessels or aircrafts, maritime or military establishments, roads or other military facilities or any other

document or information with reference to the State security, shall be subject to a punishment of deprivation of freedom for a period of from five to twenty years.

4. Should, to carry out his purpose, the defendant enter stealthily or by violence, bribery or deceit, when the entrance is prohibited or limited, to the places mentioned in the preceding paragraph or in any other place of similar nature, the punishment shall be the deprivation of freedom for a period of from ten to twenty years.

5. The simple fact of entering stealthily, with deceit, violence or by bribery in any of the places or zones mentioned in the preceding paragraphs, shall be punished by deprivation of freedom for a period of from two to five years.

6. The crimes provided for under paragraphs 4 and 5 shall be punished independently of those committed for their execution or those committed simultaneously.

## CHAPTER II

### CRIMES AGAINST STATE HOMELAND SECURITY

#### FIRST SECTION

##### **Rebellion**

ARTICLE 98.1. Whosoever rises in arms to obtain by force any of the aims herein below described shall be subject to a punishment of deprivation of freedom for a period of from ten to twenty years or death.

a) to prevent high bodies of the State and Government from exercising their functions, in any portion or as a whole, even temporarily;

b) to change the economic, political and social socialist regime of the State;

c) to totally or partially change the Constitution or the way of Government therein established.

2. Whosoever performs any act aimed at inciting an armed uprising, should it occur, shall be subject to the same sanction as above; otherwise, he shall be subject to a punishment of deprivation of freedom for a period of from four to ten years.

ARTICLE 99. Whosoever performs any other act aimed, directly or indirectly, to achieve by means of violence or other unlawful means, any of the purposes stipulated in the preceding paragraph, shall be subject to a punishment of deprivation of freedom for a

period of from seven to fifteen years, insofar as the act does not constitute a more serious crime.

## SECOND SECTION

### **Sedition**

ARTICLE 100. Those individuals who, tumultuously and by means of an express or implied agreement, using violence, disturb the socialist order or the holding of elections or referenda, or impede the fulfillment of any sentence, legal provision or measure issued by the Government or any civil or military authority in the exercise of their corresponding functions, or reject to obey them, make demands, or resist to comply with their duties, shall be subject to a punishment of:

a) deprivation of freedom for a period of from ten to twenty years or death, should the crime be committed in a war situation or affect the security of the State, or during serious alteration of public order, or in a military zone, resorting to arms or exercising violence;

b) deprivation of freedom for a period of from ten to twenty years, should the crime be committed without resorting to arms nor exercising violence and some of the other circumstances expressed in the preceding paragraph concur; or should he have resorted to arms or exercised violence and the crime be committed outside the military zone in times of peace.

c) deprivation of freedom for a period of from one to eight years in the rest of the cases.

## THIRD SECTION

### **Violation of the duties to Resist**

ARTICLE 101.1. The official of the State or of the Government who does not resist by any possible means a rebellion, sedition, insurrection or invasion, shall be subject to a punishment of deprivation of freedom for a period of from three to eight years.

2. Whoever, without any order to evacuate or mobilize, abandon his tasks upon jeopardy of invasion, insurrection, sedition, rebellion or whenever they had occurred, he shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

## FOURTH SECTION

### **Usurpation of Political or Military Power**

ARTICLE 102. It shall be subject to a punishment of deprivation of freedom for a period of from ten to twenty years or death whosoever:

a) takes control of troops, units or similar military positions, populations, or war vessels or aircrafts, without legal power to do so nor order from the Government;

b) usurpates, knowingly, the exercise of a function that is proper of any of the constitutional bodies of the state power.

## FIFTH SECTION

### **Enemy Propaganda**

ARTICLE 103.1. It shall be subject to a punishment of deprivation of freedom for a period of from one to eight years whosoever:

a) incites against the social order, international solidarity or the socialist State, through oral, written or any other form of propaganda;

b) drafts, distributes or possesses propaganda of the kind mentioned in the preceding subparagraph.

2. Whoever spreads false news or malicious predictions designed to cause alarm or discontent among the population or public disorder shall be subject to a punishment of deprivation of freedom for a period of from one to four years.

3. Should, to execute the acts provided for under the preceding paragraphs, mass broadcast means are used, the punishment shall be deprivation of freedom for a period of from ten to fifteen years.

4. Whosoever allows the use of mass media means as referred to in the preceding paragraph, shall be subject to a punishment of deprivation of freedom for a period of from one to four years

## SIXTH SECTION

### **Sabotage**

ARTICLE 104.1. Whosoever, in order to impede or obstruct the normal use or functioning, knowingly that he may produce said result, destroys, alters, damages or prejudices in any form whatsoever the means, resources, buildings, facilities or socio-economic or military units specified below, shall be subject to a punishment of deprivation of freedom for a period of from two to ten years:



- a) power sources, hydraulic works, terrestrial transport services, communication and broadcasting services;
- b) workshops, cold storage plants, warehouses or other facilities designed to store fixed assets or consumer goods.
- c) teaching centers, public buildings, stores, houses or premises of administrative, political, mass, social or leisure organizations
- ch) industrial or farming centers, harvests, woods, grasses or livestock;
- d) port or aeronautics facilities, vessels or aircrafts;
- e) research centers, breed or development of animal species;
- f) camps, warehouses, armaments, constructions or military premises in general.

2. Whosoever, in order to affect national economy, damages or destroys the fixed assets or consumer goods stored in warehouses or in other facilities or in the open air, shall be subject to the same punishment as above.

ARTICLE 105. The punishment of deprivation of freedom for a period of from ten to twenty years or death shall apply, should upon the execution of any of the acts described in the preceding article:

- a) serious injuries are caused or death of any individual occurs;
- b) fire, combustible substances, materials or instruments, explosives, chemical or biological agents or other means capable of producing serious damage are used;
- c) serious damage is caused, regardless the means used;
- ch) mass security is put at stake.

## SEVENTH SECTION

### **Terrorism**

ARTICLE 106. Whosoever, in order to affect the State security, manufactures, facilitates, sells, transports, remits, introduces in the country or is in possession, in any form or place, combustible, explosive, asphyxiating, toxic products, substances or instruments, or any other element from whose combination products of the above mentioned nature may be derived, or any other similar substance or artifact suitable to cause consequences of

the nature described in articles 104 and 105, shall be subject to a punishment of deprivation of freedom for a period of from ten to twenty years or death.

ARTICLE 107.1. Whosoever, in order to affect the State security, executes an act against life, physical integrity, freedom or personal security of a leader of the Cuban Communist Party, of the State or of the Government or against his relatives, shall be subject to a punishment of deprivation of freedom for a period of from ten to twenty years or death.2. Should the act executed be aimed at destroying or severely damaging the assets of the individuals of the preceding paragraph, the punishment shall be the deprivation of freedom for a period of from one to eight years, unless any of the circumstances stipulated in article 105 concur, in which case, the applicable punishment shall be that provided for under that provision.

ARTICLE 108. Whoever, in order to affect the State security, adulterates food products or substances, or of any other kind, aimed at the population's consumption, so that they may cause death or severe health problems to the individuals, shall be subject to a punishment of deprivation of freedom for a period of from ten to twenty years or death.

ARTICLE 109. Whosoever performs any other act not punished more severely by this Code, that due to its form, means or execution opportunity, is designed to cause alarm in the population in order to create conditions to affect the State security, shall be subject to a punishment of deprivation of freedom for a period of one to eight years.

### CHAPTER III

## OFFENSES AGAINST PEACE AND INTERNATIONAL LAW

### FIRST SECTION

#### **Hostile Acts against a Foreign State**

ARTICLE 110.1. Whosoever, without authorization from the Government, enlists individuals or carries other hostile acts in a foreign State giving rise to a war risk or to retaliation measures against Cuba, or expose Cubans to humiliations or retaliations in their person or assets or alter the friendly relationship between Cuba and another State, shall be subject to a punishment of deprivation of freedom for a period of four to ten years.

2. Should retaliation measures against Cuba, or humiliations or retaliations against its citizens, or alteration of diplomatic ties, or war result as a consequence of the acts provided for under the preceding paragraph, the punishment shall be the deprivation of freedom for a period of from ten to twenty years or death.

ARTICLE 111. Whosoever, without any authorization from the Government, recruits individuals in the national territory for the military service in a foreign State, shall be subject to a punishment of deprivation of freedom for a period of four to ten years.

## SECOND SECTION

### **Violation of Sovereignty of a Foreign State**

ARTICLE 112. Whosoever, in Cuban territory, performs an act designed to undermine the independence of a foreign State, the integrity of its territory or the stability or prestige of its Government, shall be subject to a punishment of deprivation of freedom for a period of from three to eight years.

## THIRD SECTION

### **Acts against the Chiefs and Diplomatic Representatives of**

#### **Foreign States**

ARTICLE 113.1. Whosoever, in Cuban territory, commits an act of assault or a crime against the honor or dignity of the Chief of a foreign State, shall be subject to a punishment of deprivation of freedom for a period of from three to eight years, insofar as the crime does not constitute a more serious crime.

2. The same punishment as above shall apply should the act be committed against the diplomatic representatives of the foreign States upon the exercise of their functions, or against their relatives in order to affect these functions.

3. Whosoever violates the personal immunity or the place of residence of the Chief of another State received in the Cuban State officially, or the personal immunity of the diplomatic representative of another State, accredited before the Cuban government, or that of the members of special missions, of the consular or international bodies accredited in the Republic, shall be subject to a punishment of deprivation of freedom for a period of from one to eight years.

4. The crimes provided for under the preceding paragraph shall be sanctioned independently of those committed for their execution or at the same time.

## FOURTH SECTION

### **Instigation to War**

ARTICLE 114. 1. A punishment of deprivation of freedom for a period of three to four years shall be imposed on whosoever:

a) instigates a war of aggression;

b) instigates, during the course of diplomatic negotiations for the peaceful resolution of an international conflict, popular unrest in order to press the Government to favor war.

## FIFTH SECTION

### **Spreading of False News against International Peace**

ARTICLE 115. Whosoever spreads false news in order to disturb international peace, or to put in jeopardy the prestige or credit of the Cuban State or its good ties with another State, shall be subject to a punishment of deprivation of freedom for a period of from one to four years.

## SIXTH SECTION

### **Genocide**

ARTICLE 116.1. The punishment of deprivation of freedom for a period of from ten to twenty years or death shall be imposed on whomever, in order to partially or totally destroy a national, ethnic, racial or religious group as such:

- a) subdues this group to living conditions that constitute a threat of extermination to the group or to some of its members;
- b) takes measures to prevent or obstruct births within the group.
- c) performs the forceful transfer of children of that group to another;
- ch) slaughters or severely injures the physical or mental integrity of members of the group.

2. Whosoever, violating the rules of International Law, bombards, machine guns or exercises excessive cruelty on the defenseless civil population, shall be subject to the same punishment as above.

## SEVENTH SECTION

### **Piracy**

ARTICLE 117. The punishment of deprivation of freedom for a period of from ten to twenty years or death shall be imposed on whosoever:

1) using a vessel or aircraft, with or without artillery, commits acts of violence or threatens with violence or any other form of intimidation or hostility against another vessel or aircraft in order to:

- a) take possession of the vessel or aircraft, or the goods on board;

b) damage or destroy the vessel or aircraft, deviate it from its route, or impede its circulation or ordinary activities.

c) kidnap, injure or kill the crew or passengers;

Whosoever, by any means, steals, captures or seizes a vessel or an aircraft, deviates its route or interferes in its ordinary activities, or places in jeopardy their security;3) whosoever, from said vessels or aircrafts, attacks objectives located in Cuban territory;

4) whosoever, without the authorization of the Government, crews or travels in vessels or aircrafts with artillery in the territorial, maritime or air Cuban space;

5) whosoever, carrying weapons, unlawfully enters the maritime or air Cuban territory, in vessels or aircrafts without artillery, in order to carry any of the acts described in the preceding paragraphs;

6) whosoever places or makes somebody place in a vessel or aircraft in service, by any means, an artifact or substance capable of destroying such vessel or aircraft or capable of causing damage to it or that, by its nature, constitutes a danger for its security;

7) whosoever, knowingly, communicates false reports in regard to a vessel or aircraft, placing in jeopardy its security with it.

ARTICLE 118. Whosoever delivers to pirates a vessel or an aircraft shall be subject to a the same punishment as above.

## EIGHTH SECTION

### **Mercenarism**

ARTICLE 118.1. Whoever, in order to obtain the payment of a wage or any other kind of material compensation, enters in the military units totally or partially formed by individuals who are not citizens of the State in whose territory are willing to act, shall be subject to a punishment of deprivation of freedom for a period of from ten to twenty years or death.

2. Whosoever collaborates or executes any other act in order to directly or indirectly achieve the objective stated in the preceding paragraph shall be subject to the same punishment as above.

## NINTH SECTION

### **Apartheid Offense**

ARTICLE 120.1. The punishment of deprivation of freedom for a period of from ten to twenty years or death shall be imposed on those individuals who, in order to institute and

maintain the dominance of a racial group over another, and pursuant to extermination, segregation and racial discrimination policies:

a) deny the members of this group the right to life and freedom through murder, serious attacks against physical or psychic integrity, freedom or dignity, tortures or punishments or cruel, inhumane or denigrating treatment, arbitrary detainment and unlawful imprisonment;

b) impose on the group legislative measures of or any other kind in order to impede their participation in the political, social, economic and cultural life of the country and to deliberately create conditions to obstruct their full development, denying to their members their rights and fundamental freedoms.

c) divide the population pursuant to racial criteria, creating reserves and ghettos, prohibiting marriages between members of different racial groups and expropriating their goods;

ch) exploit the work of the members of the group, specially by subjecting them to forced labor.

2. Should the act consist in pursuing or harassing in any form whatsoever the organizations and individuals opposing to apartheid, or combating it, the punishment shall be the deprivation of freedom for a period of ten to twenty years.

3. The liability for the acts provided for under the preceding paragraphs shall be demandable regardless of the country where the offenders act or reside and it shall extend, whatever the motive, to the individuals, members of the organizations and institutions and representatives of the State.

## TENTH SECTION

### **Supplementary Provisions of this Chapter**

ARTICLE 121. The offenses provided for under this Chapter; those corresponding to articles 117 and 118 excepted, shall solely be pursuable prior request of the Ministry of Justice.

ARTICLE 122. With reference to the crimes provided for under Section Seventh of this Chapter, whosoever crews for a pirate vessel or aircraft shall be presumed liable of all the crime committed with said vessel or aircraft.

ARTICLE 123. What is stipulated under the treaties undersigned by the Republic or, otherwise, the reciprocity principle shall be observed for the purposes of exercising penal

action whenever the offenses referred to under paragraphs 1 and 2 of article 117 are committed against foreign vessels or aircrafts.

## CHAPTER IV

### **OTHER CRIMES AGAINST THE STATE SECURITY**

ARTICLE 124.1. The punishment of deprivation of liberty for a period of from ten to twenty years or death shall be imposed on whosoever:

- a) violates the territorial space crewing or traveling on board of a vessel or aircraft, in order to commit any of the crimes provided for under this Title;
- b) enters stealthily in the national territory to commit any of the crimes provided for in Sections First, Second, Third, Fourth and Sixth of Chapter I, or in Sections First, Second, Fourth, Fifth, Sixth and Seventh of Chapter II, or in Sections First, Second, Third and Fifth of Chapter III;
- c) organizes or forms part of armed groups to commit any of the crimes provided for under this Title.

2. Whosoever protects, helps or provide supplies to the groups or elements described in the preceding paragraph, or favors in any other way their operations, shall be subject to a punishment of deprivation of freedom for a period of from ten to twenty years.

ARTICLE 125. The punishment pursuant to the rules with regard to the preparatory acts stipulated under articles 12 and 49 shall be imposed on whoever:

- a) having decided to commit any of the crimes provided for under this Title, proposes to another individual or other individuals to participate in the execution of said crime;
- b) agrees with one or more individuals with reference to executing any of the crimes provided for under this Title, and they decide to commit so;
- c) instigates another individual or other individuals, orally or in writing, to execute any of the crimes provided for under this Title. Should subsequent to the instigation it has followed the commission of the crime, the instigator shall be subject to punishment as the author of the crime committed.

ARTICLE 126. In the cases of crimes against the State security, the punishment applicable to the crime of concealment provided for under article 160 shall be that

corresponding to the crime concealed; its minimum and maximum limits decreased in a third.

ARTICLE 127. Whosoever, having intervened in the preparation or performance of a crime against the State security, denounces it prior to the beginning of its execution or in time to avoid its consequences, shall be exempted from criminal liability.

ARTICLE 128. Whosoever, being informed with regard to the preparation or execution of any crime against the State security does not denounce it, without prejudice of trying to impede it by any possible means, shall be subject to a punishment of deprivation of freedom for a period of

months to three years.

## TITLE II

### OFFENSES AGAINST THE ADMINISTRATION AND JURISDICTION

#### CHAPTER I

#### VIOLATION OF DUTIES INHERENT TO PUBLIC OFFICE

##### FIRST SECTION

##### **Revelation of Administrative, Production or Services Secret**

ARTICLE 129.1. The official or employee that due to revealing information which is an administrative, production or services secret he possesses or knows for his position, affects significant interests of the agency involved, shall be subject to a punishment of deprivation of freedom for a period of from one to three years or fine of three hundred to one thousand quotas.

2. Should, due to this act severe consequences are caused, the punishment shall be of deprivation of freedom for a period of from three to eight years.

3. The punishments stipulated in the preceding paragraphs shall further be imposed in the corresponding cases, to those who obtain the revelation of the secret through inducement or any other acts designed to achieve said result.

ARTICLE 130. Whosoever knows and administrative, production or services secret for having asked or for having obtained it surreptitiously or by any other unlawful means and reveals it or uses it to his own benefit, shall be subject to a punishment of deprivation of freedom for a period of from one to three years or fine of three hundred to one thousand quotas or both.



ARTICLE 131. For the purposes of what has been provided for under this Section, it shall be considered administrative, production or services secret any and all data or information with reference to the administrative, production or services security whose unauthorized revelation is forbidden pursuant to the provisions established under the Law of State Secret and its Regulation.

## SECOND SECTION

### **Revelation of Tests for the Evaluation of Teachers**

ARTICLE 132.1. The official or employee who intentionally reveals the content of the test, exam or any other material or information prepared by the proper agencies of the State to evaluate the students of official teaching centers, before they must be known, shall be subject to a punishment of deprivation of freedom for a period of from three months to a year or a fine of one hundred to three hundred quotas.

2. Should the act provided for under the preceding paragraph be performed for profitable purposes or to take advantage or by means of a present or a reward of any kind whatsoever, the punishment shall be the deprivation of freedom for a period of from six months to two years, a fine of two hundred to five hundred quotas, or both.

## THIRD SECTION

### **Abuse of Authority**

ARTICLE 133. The public official who, in order to prejudice an individual or to obtain an unlawful benefit, exercises the functions inherent to his position in a manner glaringly opposite to the laws, or that arbitrarily exceeds the legal limits of his field, shall be subject to a punishment of deprivation of freedom for a period of from one to three years or fine of three hundred to one thousand quotas, insofar as the act does not constitute a more serious crime.

## FOURTH SECTION

### **Disobedience**

ARTICLE 134. The judicial or administrative official who does not comply with a final resolution or order issued by a court or proper authority and that is pursuant to law shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

## FIFTH SECTION

### **Abandonment of Duties**

ARTICLE 135.1. The official or employee in charge of complying with any mission in a foreign country who abandons his duties, or that once he fulfilled his mission, or that required at any time to return, expressly or implicitly refuses to do so, shall be subject to punishment by deprivation of freedom for a period of from three to eight years.

2. The same punishment as above shall be imposed on the official or employee who, when complying with a mission abroad and against the express order of the Government, moves to another country.

## SIXTH SECTION

### **Prevarication**

ARTICLE 136. The public official who intentionally issues a resolution contrary to law in a subject matter he intervenes due to his position, shall be subject to punishment by deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

ARTICLE 137. The public official who maliciously delays the proceeding or resolution of a subject matter he intervenes or that he must know or unjustifiably omits the compliance of a duty or of an act imposed on him due to his office or that he rejects to do so, shall be subject to a punishment by deprivation of freedom for a period of from three months to a year or a fine of one hundred to three hundred quotas.

ARTICLE 138.1. The judge that intentionally contributes his vote in order for a sentence contrary to law to be issued in a criminal process, shall be subject to a punishment of deprivation of freedom for a period of from one to three years or fine of three hundred to one thousand quotas.

2. Should he intentionally contribute his vote in order for a sentence contrary to law to be issued in a non criminal matter subjected to his jurisdiction, he shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

3. Should, instead of a sentence, be another resolution, the punishments provided for under the preceding two paragraphs shall be reduced by half.

ARTICLE 139. Whosoever, neglecting the duties corresponding to his position, maliciously halts the persecution or punishment of an offender, or instigates it of an individual whose innocence he knows, shall be subject to punishment of deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

## SEVENTH SECTION

### **Acts in Prejudice of the Economic Plans**

## **of the State Contracts**

ARTICLE 140. The punishment of deprivation of freedom for a period of from eight to twenty years shall be imposed on whosoever, in order to affect the national economy or the credit of the Cuban socialist State, or that knowing that such result can be produced:

- a) modifies reports or submits or uses in any manner whatsoever, false data concerning economic plans;
- b) fails to fulfill the regulations set forth to enter agreements or to issue or use credit documents

## **EIGHTH SECTION**

### **Undue Execution of Punishments or Security Measures**

ARTICLE 141.1. The public official that applies or stipulates the application of a security measure without order of proper court, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years, insofar as the act does not constitute a more serious crime.

2. Any public official that, having to intervene due to his position in the implementation of the sanctions or security measures, modifies them or make them be fulfilled in any unlawful way whatsoever, shall be subject to the same punishment as above, insofar as the act does not constitute a more serious crime.

## **CHAPTER II**

### **VIOLENCE, OFFENSE AND DISOBEDIENCE AGAINST AUTHORITY, PUBLIC OFFICIALS AND THEIR AGENTS**

#### **FIRST SECTION**

##### **Attack**

ARTICLE 142.1. Whosoever uses violence or intimidation against an authority, a public official, or his agents or assistants to impede the performance of an act inherent to their functions, or to demand them their performance, shall be subject to a punishment of deprivation of freedom for a period of from one to three years.

2. The same punishment as above shall be imposed should violence or intimidation, for the same purposes, be exercised against the individual who, due to request or legal obligation, helps the authority, public official or his agents or assistants.

3. The punishment shall be of deprivation of freedom for a period of from three to eight years, unless due to the severity of the result a higher penalty shall be imposed, whenever

in the acts provided for in the preceding paragraphs any of the following circumstances concur:

- a) it is performed by two or more individuals;
- b) it is carried out with the use of a weapon;
- c) bodily harm or health damage is caused to the victim;
- ch) the purpose pursued by the agent is achieved.

## SECOND SECTION

### **Resistance**

ARTICLE 143.1. Whosoever opposes resistance to an authority, public official or his agents or assistants in the exercise of their functions, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine from one hundred to three hundred quotas.

2. Should the act provided for under the preceding paragraph be committed with regard to a public official, his agents or assistants, or a soldier, upon their compliance with their duties to capture the criminals or custody the prisoners, the punishment shall be the deprivation of freedom for a period of from two to five years.

## THIRD SECTION

### **Contempt**

ARTICLE 144.1. Whosoever threatens, slanders or libels, defames, insults, abuses or in any other way outrages or offends, orally or in writing, in his dignity or honor, an authority, public official, his agents or assistants exercising their functions or due to them, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, or a fine from one hundred to three hundred quotas or both.

2. Should the act provided for under the preceding paragraph be performed with reference to the President of the Council of State, the President of the National Assembly of People's Power, the members of the Council of State or the Council of Ministers or the Deputies of the National Assembly of People's Power, the punishment shall be the deprivation of freedom for a period of from one to three years.

## FOURTH SECTION

### **Denial of Help and Disobedience**

ARTICLE 145. The public official who does not provide due cooperation to the administration of justice or to the rendering of a public service upon request by proper authority, or that refrains from, without justified cause whatsoever, to provide any help he is obliged to give for his position, upon request from a private individual, should as a consequence of his omission, there be serious damage to the national interest or damage for the individual, shall be subject to punishment of deprivation of freedom for a period of three months to one year or a fine from one hundred to three hundred quotas, or both.

ARTICLE 146. The physician who, required to provide some help related to his profession, in an urgent case and of severe jeopardy for the health or life of an individual, refrains from providing it without justified cause, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas, or both.

ARTICLE 147. The private individual who disobeys the decisions of the authorities or public officials, the orders of the agents or their assistants ordered in the exercise of their functions, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas, or both.

### CHAPTER III

## FRAUDULENT EXERCISE OF PUBLIC FUNCTIONS

### FIRST SECTION

#### **Usurpation of Public Functions**

ARTICLE 148. The punishment of deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas shall be imposed on whosoever:

a) performs, without a legitimate title, acts inherent to an authority or a public official, attributing an official nature to himself;

b) performs, unduly, acts inherent to the members of the Revolutionary Armed Forces, the Home Office, or any other armed forces of the Republic.

2. Should the act solely consist in attributing to himself the condition of being a member of the Revolutionary Armed Forces, of the Home Office or of any other armed force of the Republic, the punishment shall be deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

3. The crimes provided for under the preceding paragraphs shall be punished independently of those committed for their execution or at the same time.

### SECOND SECTION

## **Usurpation of Legal Capacity**

ARTICLE 149. Whosoever, intending to make profits or any other malicious objective, or causing damage to another individual, performs acts inherent to a profession for whose exercise he is not duly qualified, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine from one hundred to three hundred quotas, or both.

### **THIRD SECTION**

#### **Illicit Enrichment**

ARTICLE 150.1. The authority, official or employee that, directly or through an intermediary, incurs in expenses or increases his or a third party's property in an amount that is not proportional to his lawful income, without justifying the legality of the means employed to incur in said expenses or obtain such property increase, shall be subject to a punishment of deprivation of freedom for a period of from two to five years or a fine from three hundred to one thousand quotas, or both.

2. Those declared liable of the offense provided for under this article, shall be further subject to a punishment of incidental penalty of forfeiture of property.

3. The punishments provided for under this article shall be imposed insofar as the act does not constitute a more serious crime.

### **CHAPTER IV**

#### **BRIBERY**

ARTICLE 151.1. The public official who directly or through an intermediary receives a gift, present or any other advantage or benefit to perform or omit an act with reference to his functions, shall be subject to a punishment of deprivation of freedom for a period of from three to eight years.

2. Should the act consist in accepting the offer or promise of gift, present or any other advantage or benefit, the punishment shall be the deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

3. Should the official demand or request the gift, present, advantage or benefit, the punishment of deprivation of freedom shall be for a period of from seven to fifteen years.

4. The same punishment as above shall be imposed on he who, acting as a proficient, performs the acts provided for in the preceding paragraphs.

5. Should this offense be committed, it may further be imposed, as an incidental sanction, the forfeiture of property.

ARTICLE 152. Whosoever provides a gift or present, or favors with any other advantage or benefit, or makes an offer or promise to a public official so that he performs, delays or omits to perform an act in connection to his position, shall be subject to the punishment of deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

ARTICLE 153. The official or employee who, with abuse of his office or of the mandate entrusted by the Government, obtains some personal benefit or advantage of any kind whatsoever, shall be subject to a punishment of deprivation of freedom for a period of from three to eight years, insofar as the act does not constitute a more severe offense.

## CHAPTER V

### **DENUNCIATION OR FALSE ACCUSATION**

ARTICLE 154. The punishment of deprivation of freedom for a period of from six months to two years or fine of two hundred to five hundred quotas shall be imposed on whosoever:

a) knowingly lies and, in order for a criminal process to begin against another, attributes to him before a court or an official who shall proceed in the investigation, facts that, should they be true, would constitute an offense.

b) pretends the existence of prints, traces or other material evidence or deletes or alters those existing, in order to accuse another individual of being liable for an offense.

2. Should as a consequence of the denunciation or false accusation, the victim suffer serious damage, the punishment shall be the deprivation of freedom for a period of from three to eight years.

## CHAPTER VI

### **PERJURY**

ARTICLE 155.1 Whosoever, intentionally, when appearing as witness, proficient or interpreter, before a court or proper official, provides a false declaration or omits to say what he knows with reference to what he is being interrogated, shall be subject to a punishment of deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

2. Should the false declaration be provided in a criminal process and a serious damage result as a consequence thereof, the punishment shall be the deprivation of freedom for a period of from three to eight years.

3. Should any of the individuals related in paragraph I testify with regard to the same facts in the preparatory phase of the process and in the oral proceedings, he shall solely be charged with the false declaration he provides in the latter.

ARTICLE 156. Whosoever, knowingly, proposes to a court or a competent public official a false witness, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine from two hundred to five hundred quotas.

2. Should, as a consequence of that means of evidence, be serious damage, the punishment shall be the deprivation of freedom for a period of from three to eight years.

ARTICLE 157. Whosoever is guilty of the offense of perjury and retracts from his false declaration when it is still possible to avoid its effects, shall be exempted from the punishment.

## CHAPTER VII

### **OFFENSE SIMULATION**

ARTICLE 158. Whosoever before a judicial official, prosecutor, police official or by any other reliable means, denounces a fictitious offense or prepares prints, traces or any other fictitious evidence whatsoever to make believe its commission, with the purpose in one case or the other of initiating a criminal proceeding, in spite of not blaming a specific individual, shall be subject to a punishment of deprivation of freedom for a period of from three months to a year or a fine of one hundred to three hundred quotas.

## CHAPTER VIII

### **ARBITRARY EXERCISE OF RIGHTS**

ARTICLE 159.1. Whosoever, instead of resorting to competent authority in order to exercise a genuine right or one he reasonably believes he is entitled to, exercises it by himself against the explicit or implied will of the obligor, shall be subject to a punishment of deprivation of freedom for a period of from one to three months, or a fine up to one hundred quotas

2. Should the individual exercise violence or intimidation or force on the objects to perform the act and insofar as said act, due to its results, does not constitute a more serious offense, he shall be subject to a punishment of deprivation of freedom for a period of from three months to a year, or a fine of one hundred to three hundred quotas.

## CHAPTER IX

### **CONCEALMENT**



ARTICLE 160. 1. Whosoever, having ascertained that an individual has participated in the commission of an offense or that he is being accused of it and, beyond the cases of complicity appearing in the same, conceals him, helps to conceal him, to escape, alters evidence or makes traces or evidence disappear due to the fact of believing they may prejudice that individual or in any other manner whatsoever cooperates to both avoid investigation and criminal persecution, shall incur in the same sanction as that specified for crime concealed, reduced in a half its minimum and maximum limits.

2. Whosoever, with knowledge of the wrongful act or who should have presumed it, aids the offender to ensure the result of the offense shall be subject to the same punishment as above.

3. Whosoever performs the act set forth in paragraph 1 in order to favor his ascendants, descendants, spouse or siblings shall not be subject to punishment, insofar as he does not abuse of the results of the offense.

## CHAPTER X

### NON-FULFILLMENT OF DUTY OF DENUNCIATION

ARTICLE 161. 1. The deprivation of freedom for a period of a punishment of from three months to a year, a fine of three hundred quotas or both shall be imposed on whoever:

a) having knowledge that an offense has been committed or is intended to be committed, avoids denouncing it to the corresponding authorities as soon as he is able to do it;

b) having knowledge of the participation of an individual in a criminal act, does not denounce it to the authorities in due time and course.

2. What is set forth in the preceding paragraph shall not be applicable to the individuals who, according to law, are not obliged to denounce.

ARTICLE 162. The physician who, when assisting an individual or identifying a corpse notices or observes signs of external injuries due to violence or signs of intoxication, poisoning or any further sign of an offense having been committed and does not immediately notify it to the authorities, specifying the corresponding data, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas, insofar as said act shall not constitute a more serious offense.

## CHAPTER XI

### VIOLATION OF PUNISHMENTS AND CUSTODIAL PRECAUTIONARY MEASURES

## FIRST SECTION

### **Escape of Prisoners or Detainees**

ARTICLE 163. 1. Whosoever escapes or intends to do so from the penal establishment or from the place where he is serving the sentence, subject to a preventive detention sentence or detained, or who escapes or intends to avoid the surveillance of his security guards when being driven or transferred, shall be subject to a punishment of deprivation of freedom for a period of from three months to a year or a fine of one hundred to three hundred quotas.

2. Should during the escape or attempt to escape, violence or force be used, or should it be jointly planned, the punishment shall be of deprivation of freedom for a period of from four to ten years, notwithstanding the sanctions corresponding to the offenses committed.

3. Should the fugitive voluntarily appear prior to the course of twenty days subsequent to his escape, the penalty may be reduced up to in two thirds of its minimum limit.

## SECOND SECTION

### **Help to Prisoners or Detainees Escape**

#### **Disloyalty in their Custody**

ARTICLE 164. 1. Whosoever intends or facilitates the escape of an individual who is legally deprived of his freedom or hides or cooperates with the fugitive in any fashion whatsoever, shall be subject to a punishment of deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

2. Should the act be committed by the own public official responsible for the security or management of the fugitive or by whom, without holding that capacity, has assumed said liability in compliance with a legal or social duty, the punishment shall be the deprivation of freedom for a period of from three to eight years.

3. Should the escape be produced due to negligence of security guards or custodians, the punishment shall be the deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

4. For the event of the preceding paragraph, should the culprit manage to arrest the fugitive before a month has elapsed from the escape, he shall be exempted from punishment.

## THIRD SECTION

### **Disruption in the Penal Establishments**

## **or Reeducational Centers**

ARTICLE 165. 1. The accused individuals in preventive detention, subject to a punishment of deprivation of freedom or *ASEGURADOS*, that tumultuously and by means of either violence or threats intend to force their security guards or custodians to execute, omit or tolerate any act, shall be subject to a punishment of deprivation of freedom for a period of from four to ten years.

2. The individual who while the riot or disorder is occurring, performs an act causing the death of a third party shall be subject to a punishment of deprivation of freedom for a period of from eight to twenty years, insofar as said act shall not represent a more serious offense.

3. Should, as a consequence of the riot or disorder, the death of a third party be caused and the identity of the author may not be determined, the instigators and participants shall be subject to a punishment of deprivation of freedom of from seven to fifteen years.

4. The preliminary acts of the offense set forth in this article are punished pursuant to what is provided for under article 12.5.

ARTICLE 166. 1. The detainee, subject to a punishment of deprivation of freedom or *asegurado* who bears sharp-pointed or blunt weapons or any other instrument whatsoever in order to exercise violence, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year.

2. Should it be a firearm of any nature whatsoever, the punishment shall be the deprivation of freedom for a period of from two to five years.

## **FOURTH SECTION**

### **Non-fulfillment of Incidental Sanctions and Non-Custodial**

#### **Security Measures**

ARTICLE 167. Whosoever fails to fulfill any incidental sanction or non custodial security measure imposed on him, shall be subject to a punishment of deprivation of freedom for a period of from three months to a year, a fine of one hundred to three hundred quotas, or both.

## **CHAPTER XII**

### **DISLOYALTY IN CUSTODY OF DOCUMENTS OR OTHER OBJECTS**

#### **FIRST SECTION**

#### **Theft and Damage of Documents or other Objects**

## **in Official Custody**

ARTICLE 168. 1. Whoever steals, alters or conceals documents, files, papers or objects stored in archives and other places assigned to their official preservation or entrusted to the custody of a public official, or who intentionally damages or destroys them, shall be subject to a punishment of deprivation of freedom for a period of from three months to a year or a fine of one hundred to three hundred quotas.

2. Should the act be committed by the public official responsible for the custody of the documents or objects referred to in the preceding paragraph or with abuse of his office, or by whom, without showing such capacity has them at his disposal in compliance with a legal procedure or due to any other legal reason whatsoever, shall be subject to a punishment of deprivation of freedom for a period of from a year to three years or a fine of three hundred to a thousand quotas.

3. Should the stolen, altered, concealed, destroyed or damaged document or object be sent by post or telegraph or as a parcel, package, small packet, clearance system or any other mail method, the sanction shall be:

a) deprivation of freedom for a period of from six months to two years or a fine from two hundred to five hundred quotas, in the case set forth in paragraph 1;

b) deprivation of freedom for a period of from two to five years or a fine from three hundred to one thousand quotas, in the case set forth in paragraph 2;

## **SECOND SECTION**

### **Violation of Protection Rules of**

#### **Classified Documents**

ARTICLE 169.1. The official or employee, who with a malicious purpose or having violated the legal provisions concerning the State Secret, destroys, alters, conceals, modifies, damages or by any other means, renders the state documents useless encompassed in the legal category of classified documents, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. The offense set forth in the preceding paragraph is punished notwithstanding those committed for their execution or at the same time.

## **CHAPTER XIII**

### **NON-FULFILLMENT OF DUTIES DERIVED FROM**

## **INFRINGEMENTS COMMISSION**

ARTICLE 170. 1. Whosoever does not comply with the duties arising from a resolution which has completed its legal procedures, issued by proper authority or official, related to infringements, shall be subject to a punishment of deprivation of freedom for a period of from one to six months.

2. For the case provided for under this article, the court may replace the punishment of deprivation of freedom by the sanction of correctional work with internment.

3. For the case stipulated under paragraph 1, it shall only proceed in case there is a denunciation of the authority or official who issued the resolution in question. Should the defendant comply with the duties derived from said resolution prior to passing the sentence, the proceedings shall be archived.

## **CHAPTER XIV**

### **VIOLATION OF DUTIES INHERENT TO**

### **THE GENERAL MILITARY SERVICE**

ARTICLE 171. 1. The punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas shall be imposed on the authority, official or employee who:

a) impedes, obstructs or aids, in any fashion whatsoever, the fulfillment of the duties with reference to the General Military Service by the party who is subordinated to him in terms of work or administration;

b) fails to fulfill his duties with the military registry, with the execution of notice and delivery of personnel, means or equipment of the national economy allocated to the Revolutionary Military Service.

2. The same punishment shall be imposed on whomever, in order to avoid the fulfillment of his duties concerning the General Military Service, fails to comply with the tasks related to his incorporation to the General Military Service.

3. Should fraudulent means be utilized for the execution of the acts mentioned in the preceding paragraph, the individual shall be subject to a punishment for a period of from six months to two years or a fine of five hundred quotas.

ARTICLE 172. The reservist who fails to appear upon a call in request for his joining up the ranks in the event of a possible aggression of the enemy, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years.

## CHAPTER XV

### SUPPLEMENTARY PROVISION

ARTICLE 173. For the purposes of this Title, public official shall be construed as any and all individual who holds executive duties or a position entailing custody, preservation or surveillance liability in a public body, military institution, governmental office, company or production or service unit.

## TITLE III

### OFFENES AGAINST COLLECTIVE SECURITY

#### CHAPTER I

#### MAJOR DAMAGE

ARTICLE 174. 1. Whosoever, by means of a fire, flood, collapse, explosion or any other form equally capable of producing major damage jeopardizes people's lives or the existence of assets of considerable value, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. The same punishment as above shall be imposed on whomsoever, in any fashion whatsoever, increases the ordinary danger or hinders its prevention or the decrease of its effects.

3. Should as a consequence of the acts stipulated in the preceding paragraphs, there be significant damage for the assets, the punishment shall be the deprivation of freedom for a period of from three to eight years.

4. Should an individual die or be seriously injured as a consequence of what is provided for hereinbefore, the punishment of deprivation of freedom shall be imposed for a period of from five to twelve years.

#### CHAPTER II

#### DISABLEMENT OF SECURITY DEVICES

ARTICLE 175. Whosoever destroys, damages or eliminates the security public devices in order to prevent fires, floods or collapses shall be subject to punishment as follows:

a) should the assets be considerably damaged as a consequence of the act, by deprivation of freedom for a period of from one to three years or a fine of three hundred to a thousand quotas;

b) should an individual be seriously injured as a consequence of the act, by deprivation of freedom for a period of from two to five years;

c) should an individual die as a consequence of the act, by deprivation of freedom for a period of from three to eight years.

ARTICLE 176. Whosoever due to destroying, modifying, damaging or eliminating a signal designed to call the attention of the risks of a danger, provokes serious injuries or death of an individual or considerable damages for his assets, shall be subject to a punishment of deprivation of freedom for a period of from one to three years.

### CHAPTER III

## OFFENSES AGAINST ROAD TRAFFIC SECURITY

### FIRST SECTION

#### **Offenses Committed when Driving**

#### **Vehicles along Public Thoroughfare**

ARTICLE 177. The driver of a vehicle who, infringing the traffic laws or regulations, provokes the death of an individual shall be subject to a punishment of deprivation of freedom for a period of from one to ten years.

ARTICLE 178. The driver of a vehicle who, infringing the traffic laws or regulations, provokes serious damage or seriously damages the health of an individual, shall be subject to a punishment of deprivation of freedom for a period of from one to three years.

2. For the purposes of what is provided for hereinbefore, serious injuries shall be those which place at imminent danger the life of the victim or provokes deformity, disability or any other anatomical, physiological or psychic sequelae.

3. Should the injuries not place an imminent danger for the life of the victim nor provoke him any deformity, disability or leave sequelae on him of any nature whatsoever, the punishment to be imposed shall be the deprivation of freedom for a period of from one to three months or a fine up to a hundred quotas.

ARTICLE 179. 1. The driver of a vehicle who infringing the traffic laws or regulations, provokes damages to third party assets, shall be subject to a punishment of a fine up to one hundred quotas.

2. Should the damaged caused be of considerable value or should, due to the same, serious damage be produced, the individual be subject to a punishment of deprivation of

freedom for a period of from three months to a year or a fine a hundred to three hundred quotas.

3. In the cases set forth in this article, it shall solely be proceeded should the accusation be filed by the injured party. Notwithstanding, should the injured party expressly renounce the accusation in writing or orally prior to the trial and certifying it in an act during its execution, the proceedings shall be closed.

ARTICLE 180. 1. Whosoever, without being the driver of a vehicle, by infringing the traffic laws or regulations provokes an accident causing the death of any individual, shall be subject to a punishment of deprivation of freedom for a period of from one to three years.

2. Should serious injuries or damage of a considerable nature arise from the act, the individual shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

ARTICLE 181. 1. The punishment of deprivation of freedom shall be imposed for a period of three months to one year, a fine of one hundred to three hundred quotas, or both to whomever:

a) drives a vehicle being drunk, under the effect of ingestion of toxic drugs, hallucinogen or hypnotic substances, narcotics or other substances provoking similar effects;

b) permits another drunk individual, or under the effect toxic drugs, hallucinogen or hypnotic substances, narcotics or other substances provoking similar effects, to drive a vehicle of his own or of which he is in charge of by any reason.

2. The punishment of deprivation of freedom shall be imposed for a period of one to three months, a fine of up to one hundred quotas, or both to whomever:

a) drives a vehicle having consumed alcoholic beverages in such an amount so as to affect his driving capacity, even without reaching drunkenness;

b) permits another individual to drive a vehicle of his property or of which he is in charge of by any reason, knowingly that he has consumed alcoholic beverages, which have affected his driving capacity, even without reaching drunkenness.

3. Should the crime be committed by the load truck driver, by a passenger bus driver or a professional driver acting as such, the sanction shall be:



a) the deprivation of freedom for a period of from six months to two years, a fine of two hundred to five hundred quotas, or both in the case set forth in paragraph 1;

b) the deprivation of freedom from three months to a year, a fine of one hundred to three hundred quotas, or both, in the case set forth in paragraph 2.

4. The sanctions provided for hereinbefore shall be imposed notwithstanding those corresponding due to the result eventually produced.

ARTICLE 182. 1. The incidental sanction of suspension of the driving license may be imposed, as applicable, should the sanctioned individual incur in any of the offenses against road traffic safety provided for in this Code.

2. The term of said incidental sanction shall be equivalent to the most serious sanction of deprivation of freedom imposed and shall be calculated as from the date the sanctioned individual begins to benefit from his freedom, even though it is parole.

3. Should the sanction imposed be a fine, the term of the incidental sanction shall be calculated based on one day per quota and shall be calculated as from the date the sanctioned individual has fulfilled it or has begun to enjoy his freedom subsequent to having suffered from collection procedures due to lack of payment.

4. Notwithstanding what is hereinbefore provided, the incidental sanction of suspension of the driving license shall not be imposed for a period of less than a month or superior to five years.

5. Those who relapse into the violation of paragraph 1, subparagraph a) article 181, shall be able to be imposed the suspension of the driving license as an incidental sanction for a period of neither less than a year nor more than ten.

6. For the fulfillment of the incidental sanction of suspension of the driving license, the courts shall take away from the sanctioned individual the driving license or any other document whatsoever which legally authorizes him to drive motor vehicles, if applicable, and shall notify the imposition of the sanction to the body empowered to issue said licenses or authorizations, or their duplicates, so as to prevent them from issuing them in favor of the punished individual until the term of the suspension expires.

ARTICLE 183. To adjust the sanctions provided for in this Chapter, the court shall consider:

a) the major or minor seriousness of the violation which provoked the damaging event, according to its categorization by the traffic laws or regulations. With reference to violations whose major or minor seriousness has not been expressly determined by said laws

or regulations, the determination shall be taken by the courts in their sentences, considering the highest or lowest possibility of accidents when incurring in them.

b) should the culprit have been previously punished irrevocably due to the commission of any crime against traffic safety and, in particular, the number and significance of the violations committed by the same individual during the calendar year prior to the date of commission of the crime.

## SECOND SECTION

### **Crimes Committed in**

#### **Railway, Air and Maritime Transportation**

ARTICLE 184. 1. Whosoever due to violating the railway, air or maritime transportation laws or regulations causes an accident shall be punished by:

a) deprivation of freedom for a period of from one to ten years should as a consequence of the accident he provokes the death of an individual;

b) deprivation of freedom for a period of from one to three years should as a consequence of the accident, serious injuries be caused or the health of another individual be seriously damaged;

c) deprivation of freedom for a period of from one month to three months or a fine of up to one hundred quotas, should, as a consequence of the accident, injuries are caused to another individual that do not put the life of the victim at imminent danger nor cause him deformity, disability or leave sequelae on him of any nature whatsoever;

ch) deprivation of freedom for a period of from three months to a year, a fine of a hundred to three hundred quotas, or both, should, as a consequence of the accident, damages of a considerable value to third party assets, be caused.

d) a fine of up to a hundred quotas, should, as a consequence of the accident, damages to third party assets of limited value, be caused.

2. In the cases hereinbefore provided in subparagraphs ch) and d) of the preceding paragraph, it shall solely be proceeded should an accusation be filed by the damaged party. Nonetheless, should the injured party expressly renounce the accusation in writing

or orally prior to the trial and certifying it in act during its execution, the proceedings shall be dismissed.

#### CHAPTER IV

### CONSERVACIÓN DE LAS SUSTANCIAS RADIOACTIVAS U

#### OTRAS FUENTES DE RADIACIONES IONIZANTES

ARTICLE 185. The punishment of deprivation of freedom for a period of from five to twelve years shall be imposed on whoever:

- a) on purpose performs acts putting at risk or causing damages of any nature whatsoever to means of transport of nuclear materials, in order to obstruct their operation;
- b) intentionally releases nuclear energy, radioactive substances or other sources of ionizing radiation putting at risk the life or health of individuals or their goods, even though damages are not produced;
- c) on purpose and unduly, uses, steals or deviates from its road nuclear materials, radioactive substances or any other sources of ionizing radiation;
- ch) takes possession or keeps possession of radioactive objects or substances or other sources of ionizing radiation, contaminated, destined to be impaired or deactivated.

ARTICLE 186. 1. The punishment of deprivation of freedom for a period of from three to eight years shall be imposed on whomever:

- a) without having due authorization, starts operating facilities or means of transport in which nuclear materials, radioactive substances or other sources of ionizing radiations are utilized.
- b) without due authorization, receives, carries, stores, facilitates, traffics, throws or picks up nuclear materials, radioactive substances or other sources of ionizing radiations.

2. The punishment shall be the deprivation of freedom for a period of from four to ten years should, due to the acts provided for in the preceding paragraph, the culprit or any other individual makes undue use of the materials above mentioned..

## CHAPTER V

### OFFENSES AGAINST PUBLIC HEALTH

#### FIRST SECTION

##### **Propagation of Epidemics**

ARTICLE 187. 1. Whosoever violates the measures or provisions issued by proper health authorities for the prevention and control of contagious diseases, and the programs or campaigns to control or eradicate serious or dangerous diseases or epidemics, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Whosoever refuses to cooperate with the health authorities in the places within the national territory or in the neighboring territories exposed to propagation, should any contagious disease acquire serious epidemic characteristics, shall be subject to the same punishment as above.

3. Whosoever maliciously propagates or facilitates the propagation of a disease, shall be subject to a punishment of deprivation of freedom for a period of from three to eight years.

#### SECOND SECTION

##### **Illegal Exhumations**

ARTICLE 188. Whosoever, without complying with the legal formalities, performs an exhumation or has it performed or has a corpse or body remains be transported, shall be subject to a punishment of deprivation of freedom for a period of from three months to a year or a fine of one hundred to three hundred quotas.

#### THIRD SECTION

##### **Adulteration of Medicine**

ARTICLE 189. 1. A punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both shall be imposed on the authorized pharmacist or employee who:

- a) sells spoiled or badly preserved medication;
- b) undue replaces a medication by another;
- c) sells medications violating the legal or mandatory formalities;

ch) prepares a medication differently from how it was prescribed in the medical formula or prescription.

2. The punishments provided for in the preceding paragraph shall be imposed insofar as the act does not constitute a more serious offense.

#### FOURTH SECTION

### **Toxic and Other Drugs Trafficking and Possession of Other Similar Substances**

ARTICLE 190. 1. Whosoever, without being authorized, produces, transports, traffics, possesses in order to traffic, or delivers to another individual toxic drugs or hallucinogen, hypnotic substances, narcotics or other substances having similar effects, shall be subject to a punishment of deprivation of freedom for a period of from three to eight years.

2. Whosoever farms the toxic plant “Cannabis Indica”, known as marijuana, or others of similar properties shall be subject to a punishment of deprivation of freedom for a period of from three to eight years. Should the farmer be the owner, usufructuary or occupant of the land by any legal concept whatsoever, he shall be further subject, as an incidental sanction, to a punishment of forfeiture of said land or right.

3. Should the acts provided for in the two preceding paragraphs be performed with relatively important amounts of the referred substances, the punishment shall be the deprivation of freedom for a period of from seven to fifteen years.

4. The same punishments provided for in the preceding paragraphs shall be imposed on the individual who helps or assists the doer of the actions in any manner whatsoever.

5. Should an individual under the age of 16 be used in the commission of the acts provided for in the preceding paragraphs, the punishment shall be:

a) the deprivation of freedom for a period of from four to ten years for the cases mentioned in paragraphs 1 and 2;

b) the deprivation of freedom for a period of from eight to twenty years for the cases mentioned in paragraph 3.

ARTICLE 191. The mere possession of toxic drugs or of hallucinogen, hypnotic substances, narcotics or other substances having similar effects without due medical authorization or prescription shall be subject to a punishment of deprivation of freedom for a period of from six months to two years.

ARTICLE 192. A punishment of deprivation of freedom for a period of from three to eight years shall be imposed on:

a) the professional who, being authorized to prescribe or administer toxic drugs or hallucinogen, hypnotic substances, narcotics or other substances with similar effects, does so with purposes other than those strictly therapeutic.

b) the official or customs employee who allows the import or transit in the country of said products, violating the legal and mandatory provisions.

ARTICLE 193. Whosoever violates the legally established control measures for the manufacturing, production, distribution, sale, issuance of prescriptions, transport, storage or any other sort of manipulation of toxic drugs or hallucinogen, hypnotic substances, narcotics or other substances of similar effects, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

## FIFTH SECTION

### **Waters and Atmosphere Contamination**

ARTICLE 194. 1. A punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both shall be imposed on the individual who:

a) throws objects or noxious substances for the health into drinking water;

b) pollutes superficial water supply basins whether on the surface or the underground that are utilized or may be utilized as a supply source for the population;

c) omits to comply with the legal provisions tending to avoid the atmosphere contamination with gases, substances or any other damaging matter for the health derived from industries or other facilities or sources;

ch) being responsible for the operation of a drinking water supply facility for the population, damages the water quality, due to negligent behavior or to the non fulfillment of the rules set forth, therefore, jeopardizing the health of the population;

d) being responsible for the operation of a facility for treating domestic waste waters, industrial waters or farming waters, causes contamination of surface or underground water currents or sea, due to negligent behavior or non fulfillment of the rules set forth.

2. The punishment provided for in the preceding paragraph shall be imposed insofar as the act shall not constitute a more serious offense.

## SIXTH SECTION

### **Other Behaviors Implying Danger for**

#### **Public Health**

ARTICLE 195. The physician who fails to inform the proper health authorities with reference to the contagious diseases referred to in the regulations, of which he has knowledge of given his profession, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

ARTICLE 196. The veterinarian who fails to inform the proper health authorities with reference to animals with symptoms or diseases susceptible to be transmitted to other animals or human beings, of which he has knowledge of given his profession, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

ARTICLE 197. Any individual who, with any excuse whatsoever, induces others not to admit for themselves or their relatives the medical assistance, or to reject the preventive medicine measures, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

ARTICLE 198. Whosoever takes possession, traffics, stores, facilitates, processes, receives, uses, transports or exports contaminated or contaminating substances or objects destined to be utilized or disinfected, or unduly keeps possession of them, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years, a fine of two hundred to five hundred quotas, or both.

ARTICLE 199. 1. The director, technician or clinical laboratory assistant who forges the analysis results having been properly carried out by them or by their subordinated personnel, shall be subject to a punishment of deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

2. Should, as a consequence of the forgery committed, the accurate therapeutic measures stop being adopted or other contraindicated measure be used and, due to that, the health of an individual is damaged or his disease worsens, the punishment shall be the deprivation of freedom for a period of from three months to eight years.

3. A punishment of deprivation of freedom for a period of from five to twelve years shall be imposed should, as a consequence of the act provided for in the preceding paragraph, the death of an individual occur.

## TITLE IV

### OFFENCES AGAINST PUBLIC ORDER

#### CHAPTER I

##### PUBLIC DISORDER

ARTICLE 200. 1. Whosoever, in public places, shows or large meetings gives alarm screams, threatens with a common danger or performs any other act in order to cause panic or a riot, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should, for the execution of the act, a weapon of any kind whatsoever or explosive matters be used, the punishment shall be of deprivation of freedom for a period of from one to three years.

ARTICLE 201. He who provokes quarrels or arguments in public open establishments, means of public transport, social circles, shows, family or public parties or other acts attended by numerous people, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

#### CHAPTER II

##### INSTIGATION TO COMMIT AN OFFENSE

ARTICLE 202. 1. Whosoever publicly instigates to commit a certain crime, which is not provided for under subparagraph c) article 125, shall be subject to a punishment of deprivation of freedom for a period of three months to one year or a fine of one hundred to three hundred quotas.

2. Should said instigation result to be effective, the punishment corresponding to the offense committed shall be imposed, if it has a higher punishment than the one referred to in the preceding paragraph.

3. Should the instigation be in order not to fulfill a law, a legal provision or a measure adopted by the authorities, the punishment shall be the deprivation of freedom for a period of from one to three months or a fine up to one hundred quotas.

4. The same punishment as above shall be imposed on whomever instigates not to fulfill the duties of the citizens related to the defense of the Nation, production or education.

#### CHAPTER III

##### INSULT TO NATIONAL SYMBOLS



ARTICLE 203. Whosoever insults or by any other acts shows contempt to the national flag, national anthem or national coat of arms, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

#### CHAPTER IV

### **DEFAMATION OF INSTITUTIONS AND ORGANIZATIONS AND OF HEROES AND MARTYRS**

ARTICLE 204. Whosoever, publicly, defames, denigrates or undervalues the institutions of the Republic, political, social and mass organizations, or the heroes and martyrs of the Nation, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

#### CHAPTER V

### **INSULT TO THE SYMBOLS OF A FOREIGN STATE**

ARTICLE 205. Whosoever pulls up, destroys, or in any other fashion whatsoever insults the flag, emblems or any other official symbol of a foreign State, publicly exposed by an accredited representation of that State, shall be subject of a punishment of deprivation of freedom for a period of from one to three months or a fine of up to one hundred quotas.

#### CHAPTER VI

### **ABUSE OF FREEDOM OF WORSHIP**

ARTICLE 206. Whosoever, abusing of the freedom of worship guaranteed by the Constitution, opposes the religious belief against the education objectives, the work duty, the defense of the Nation with arms, the veneration of its symbols or any others stipulated in the Constitution, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

#### CHAPTER VII

### **ASSOCIATION TO COMMIT AN OFFENSE**

ARTICLE 207. 1. Those who, in a group of three or more individuals, associate in a gang formed in order to commit offenses, solely by the act of associating, shall be subject to a punishment of deprivation of freedom for a period of from one to three years.

2. Should the sole purpose of the gang be to cause disorder or to interrupt family or public reunions, shows or other community events or to perform other antisocial acts, the

punishment shall be the deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

## CHAPTER VIII

### **ASSOCIATIONS, MEETINGS AND UNLAWFUL DEMONSTRATIONS**

ARTICLE 208. 1. Whosoever belongs to an association as an associated or a member not registered in the corresponding registry, shall be subject to a punishment of deprivation of freedom for a period of from one to three months or a fine of up to one hundred quotas.

2. The instigators or directors of an association that is not registered shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

ARTICLE 209. 1. Whosoever participates in meetings or demonstrations held in violation of the provisions regulating the exercise of these rights, shall be subject to a punishment of deprivation of freedom for a period of from one month to three months or a fine of up to one hundred quotas.

2. The organizers of unlawful meetings or demonstrations shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

## CHAPTER IX

### **SECRECY OF PRINTINGS**

ARTICLE 210. Whosoever makes, spreads or circulates publications without specifying the printing house or place, or without complying with the rules established to identify its author or origin, or reproduces, stores or transports them, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

## CAPITULO X

### **ILLEGAL CARRYING AND POSSESSION OF WEAPONS OR EXPLOSIVES**

ARTICLE 211. 1. Whosoever, without a legal authorization, acquires, sells, carries or possesses a firearm, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

2. Should the firearm be of the type for which no license is granted, the punishment shall be the deprivation of freedom for a period of from two to five years.

ARTICLE 212. 1. A punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas shall be imposed on the individual who having the a legal license or authorization to do so:

a) carries it in any place or situation whatsoever where it is forbidden by provision of proper state body;

b) lends said weapon to another individual.

2. For the cases provided for in the preceding paragraph, an incidental sanction of confiscation of weapon shall be imposed.

ARTICLE 213. Whosoever manufactures, sells, delivers or possesses explosives or explosive chemical substances without being legally authorized to do so, shall be subject to a punishment of deprivation of freedom for a period of from one to three years insofar as the act does not constitute a more serious offense.

ARTICLE 214. Whosoever carries or possesses a knife handle, a razor, a striker pin, a knife or any other cutting, sharp or blunt tool whatsoever, whenever the circumstances of its possession prove it is destined to commit an offense or perform any antisocial act, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

## CHAPTER XI

### **ILLEGAL ENTRANCE AND EXIT FROM THE NATIONAL TERRITORY**

#### FIRST SECTION

##### **Illegal Entrance to the National Territory**

ARTICLE 215. 1. Whosoever, without complying with the legal formalities or immigration provisions enters the national territory, shall be subject to a punishment of deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

2. The individual performing the act referred to in the preceding paragraph in search for asylum shall be exempted from criminal liability.

#### SECOND SECTION

##### **Illegal Exit from the National Territory**

ARTICLE 216. 1. Whosoever, without complying with the legal formalities, leaves or intends to leave the national territory shall be subject to a punishment of deprivation of

freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

2. Should for the performance of the act referred to in the preceding paragraph, violence or intimidation to people or force on the objects be used, the punishment shall be the deprivation of freedom for a period of from three to eight years.

3. The offenses set forth in the preceding paragraphs shall be punished notwithstanding those committed for their execution or at the same time.

ARTICLE 217.1. Whosoever organizes, promotes or instigates the illegal exit of individuals from the national territory, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. Whosoever provides material assistance, offers information or facilitates in any manner whatsoever the illegal exit of individuals from the national territory, shall be subject to a punishment of deprivation of freedom for a period of from one to three years or a fine of one hundred to one thousand quotas.

## CHAPTER XII

### **ACTS AFFECTING THE RIGHT OF**

#### **DIPLOMATIC INVIOLABILITY**

ARTICLE 218. 1. Whoever, by means of deception, bribery, force on the objects, violence or intimidation on individuals, surreptitiously or acting in any other illegal manner whatsoever, enters or intends to do so in work places having the right of diplomatic inviolability, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. The offense set forth in the previous paragraph shall be punished notwithstanding those committed for its execution or at the same time.

## CHAPTER XIII

### **FORBIDDEN GAMES**

ARTICLE 219. 1. The banker, collector, prompter or instigator of illegal games shall be subject to a punishment of deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both.

2. Should the offense provided for in the preceding paragraph be committed by two or more individuals or by means of individuals under the age of 16, the punishment shall be the deprivation of freedom for a period of from three to eight years.

## TITLE V

### OFFENSES AGAINST THE NATIONAL ECONOMY

#### CHAPTER I

##### NON-FULFILLMENT OF DUTIES IN STATE

###### ECONOMY AGENCIES

ARTICLE 220. Whosoever, as a consequence of not complying with the duties imposed due to his position, job, occupation or job performed in a state economy agency, specially those referred to the fulfillment of normalizing rules or instructions and further rules or instructions referred to the technology field, causes a considerable damage or loss to the production activity or to the rendering of services performed in the same or to its equipment, machinery, tools and further technical means, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years, a fine of two hundred to five hundred quotas, or both.

#### CHAPTER II

##### NON-FULFILLMENT OF SECURITY RULES IN STATE

###### ECONOMY AGENCIES

ARTICLE 221. 1. The director or manager of a state economy agency or the individual responsible for any of the subordinated organization units who, as a consequence of not complying with any rule related to the security of the goods belonging to the agency or to its custody, allows for damages to be caused to said goods of a higher value than the amount specified in each case by the legislation concerning the material liability, shall be subject to a punishment of deprivation of freedom for a period of from one year to three years, a fine of three hundred to one thousand quotas, or both.

2. The same punishment as above shall be imposed on he who allows for the act stipulated in the preceding paragraph to occur for not having informed the security rules to the individuals who are to comply with them, having the obligation to do so.

#### CHAPTER III

##### NON-FULFILLMENT OF THE DUTY OF PRESERVATION OF GOODS OF

###### STATE ECONOMY AGENCIES

ARTICLE 222. Whosoever, as a consequence of not complying with the measures to which he is obliged due to his office, occupation or job he performs in a state economy agency, in order to avoid deterioration, spoilage, alteration, uselessness, disappearance or

theft of raw material, finished products, fruit, financial resources or any other useful substance, causes damage or loss of a value higher than the amount set forth in each case by the legislation concerning material liability, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

#### CHAPTER IV

##### **DATA CONCEALMENT OR OMISSION**

ARTICLE 223. Whosoever, being liable of furnishing economy reports or data due to his office in a state economy agency, as a consequence of offering them or submitting them by concealing, omitting or altering the genuine ones, causes significant damages to the national economy shall be subject to a punishment of deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both, insofar as the act does not constitute a more serious offense.

#### CHAPTER V

##### **UNDUE USE OF FINANCIAL AND MATERIAL RESOURCES**

ARTICLE 224. 1. Whosoever that, due to his office, has the administration, custody or availability of goods of socialist, state or cooperative property, or of premises of political, social and mass organizations, grants or receives, without due authorization, financial or material resources or utilizes them for public or social purposes different from those they are intended to, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one to three hundred quotas, or both.

2. He who squanders or allows for another individual to squander the financial or material resources referred to in the preceding paragraph, shall be subject to a punishment of deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both.

3. Should, as a consequence of the acts provided for in the preceding paragraphs, material economic damages be produced, the punishment shall be:

a) the deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both, in the case set forth in paragraph 1;

b) the deprivation of freedom for a period of from three to eight years in the case set forth in paragraph 2.

#### CHAPTER VI

##### **ABUSE OF EXERCISE OF OFFICE OR OF EMPLOYMENT IN**

## **IN A STATE AGENCY**

ARTICLE 225. A punishment of deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both, shall be imposed on whomever abusing of his conferred powers by virtue of his office in a production or service state economy agency:

- a) utilizes the services of his subordinated workers or permits another individual to do so, in particular interest;
- b) utilizes materials, tools or fixtures belonging to the entity, company or unit without being duly authorized;
- c) donates, without duly authorization, products, materials or other identity goods, company or unit or gratuitously offers the services rendered by the same.

## **CHAPTER VII**

### **ILLEGAL DISCLOSURE AND UNAUTHORIZED USE OF AN INVENTION**

ARTICLE 226. A punishment of deprivation of freedom for a period of from six months to two years, a fine of two hundred to five hundred quotas, or both, shall be imposed to:

- a) the inventor who, without the authorization issued by the competent body or official, register or facilitates the disclosure of an invention made by himself in Cuba or authorizes another individual to use said invention abroad;
- b) any other individual who registers, disclosures or uses an invention made in Cuba without due authorization, notwithstanding the reason why he has knowledge of the same.

## **CHAPTER VIII**

### **DECEIT OR PREJUDICE TO CONSUMERS**

ARTICLE 227. 1. A punishment of deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both shall be imposed on whosoever, habitually, for profit and by violating his duties imposed, due to his office, employment, occupation or job performed in a state economy agency :

- a) trades or sells to the public incomplete articles in terms of their composition or weight or damaged or in bad preservation conditions;

b) omits to adopt the necessary measures in order to avoid the theft, loss, damage or destruction of the goods or a portion of them, which are delivered by the users of the service for the purpose of assistance.

2. The same punishment as above shall be imposed on he who sells, provides for the export or exports an industrial or agricultural product with a quality indication or brand label that does not correspond to the product.

## CHAPTER IX

### **ILLEGAL ECONOMY ACTIVITIES**

ARTICLE 228. 1. Whosoever, without the corresponding license or despite the existence of an expressed legal or mandatory prohibition, for profit, dedicates himself to produce, transform, or sell goods, or to render any service, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should, for the performance of the acts referred to in the preceding paragraph, workforce be hired or materials of illegal origin be used, the punishment shall be the deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both.

3. Whosoever, in spite of having the corresponding license, hires workforce or uses materials of illegal origin or does not comply with what is provided for in the regulations in order to obtain higher profits, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years, a fine of two hundred to five hundred quotas, or both.

4. The fact provided for under paragraph 1 shall not be deemed an offence whenever the activity is of reduced economy significance.

5. Furthermore, those individuals declared liable for the offences provided for under paragraphs 2 and 3, shall be able to be subject to a punishment of incidental sanction of forfeiture of property.

ARTICLE 229. The individual who lends money with interests shall be subject to a punishment of deprivation of freedom for a period of from six months to two years, a fine of two hundred to five hundred quotas, or both.

## CHAPTER X

### **SPECULATION AND STOCKPILE**



ARTICLE 230. A punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both shall be imposed on whomever:

a) acquires goods or other objects with the purpose of re selling them in order to obtain profits or an income;

b) retains in his possession goods or products or transports them in quantities that are evident and unjustifiably higher to those required for his ordinary needs.

## CHAPTER XI

### ILLEGAL OCCUPANCY AND DISPOSITION

#### IN BUILDINGS OR PREMISES

ARTICLE 231.1. Whoever, illegally, assigns or receives from another individual, in full or in part, a place for living, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. The punishment shall be the deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas, should the assignment provided for under the preceding paragraph be performed by means of price or another advantage.

ARTICLE 232. 1. Whosoever, abusing of his office, arbitrarily allocates a house or premises to be destined to that purpose to the individual to whom it does not correspond, shall be subject to a punishment of deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

2. Should it be done for price, a gift or any other advantage whatsoever, there shall be a punishment of deprivation of freedom for a period of from two to five years.

## CHAPTER XII

### SMUGGLING

ARTICLE 233. A punishment of deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both shall be imposed on whoever:

a) brings or intends to bring on shore objects or goods without complying with the legal provisions;

b) carries or intends to carry objects or goods from shore without complying with the legal provisions.

ARTICLE 234. Whosoever generally works in the acquisition, concealment or change of objects or goods which by their nature or by the circumstances of the transaction prove or make infer logically the fact that they have been brought on shore violating the legal provisions, or he who participates in any manner whatsoever in their alienation or sale shall be subject to a punishment of deprivation of freedom for a period of from six months to two years, a fine of two hundred to five hundred quotas, or both.

### CHAPTER XIII

#### **ILLEGAL TRAFFIC OF NATIONAL CURRENCY, FOREIGN EXCHANGE, METALS AND PRECIOUS STONES**

ARTICLE 235. 1. A punishment of deprivation of freedom for a period of from two years to five years, a fine of three hundred to one thousand quotas, or both shall be imposed on whomever:

- a) exports or imports national currency or public securities in violation of the legal provisions;
- b) exports foreign currency or securities named in foreign currency, in violation of the legal provisions;
- c) exports gold, silver, platinum or other precious metals in ingots, raw or manufactured metals or in any other manner whatsoever, or precious stones, violating the legal provisions;
- ch) obtains funds to be payable abroad alleging false reasons or using any other fraudulent means whatsoever, obtains them beyond the actual needs, or allocates them with purposes other than the invoked;
- d) sells or, by any other means whatsoever, assigns, transfers or acquires currency, check, bank draft, traveler check or any other effects of similar credit in foreign currency violating the legal provisions;
- e) makes payments to other individuals in cash on delivery abroad or renders any other service with analogous purpose;
- f) performs exchange transactions in national or foreign currency in the black market or by processes different from those legally established.

2. A punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both, shall be imposed on whomever:

a) keeps in his possession foreign currency or other goods named in foreign currency, violating the legal provisions;

b) performs financial transactions abroad, by himself or through an intermediary, without prior authorization of the proper state agency:

c) acquires by himself or through an intermediary, in a business establishment in Cuba, goods solely sold in foreign currency, without being legally authorized to do so.

ARTICLE 236. Whosoever, with unlawful purposes, has in his possession jewelry, metals and precious stones shall be subject to a punishment of deprivation of freedom for a period of from six months to two years, a fine of two hundred to five hundred quotas, or both.

#### CHAPTER XIV

### **VIOLATION OF RULES TO PREVENT AND FIGHT**

#### **ANIMAL AND PLANT DISEASES AND PLAGUES**

ARTICLE 237. 1. Whosoever violates the provisions stipulated by competent authority in order to prevent, fight or destroy animals and vegetables diseases and plagues, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred, or both.

2. Should the violation referred to in the preceding paragraph be produced when an animal or vegetable disease or plague exist, the punishment shall be the deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

3. Should, as a consequence of the acts referred to in the preceding paragraphs, the disease or plague be produced or spread, the punishment shall be the deprivation of freedom for a period of from two years to five years.

#### CHAPTER XV

### **WATERS CONTAMINATION**

ARTICLE 238. 1. A punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both shall be imposed on whomever:

a) throws harmful objects or substances into rivers, streams, wells, canals or into places destined to supply water to cattle or birds, endangering their health or life;

b) throws objects or harmful substances into fishing waters or in hatcheries of water species.

2. Should, as a consequence of the acts referred to in the preceding paragraph, the death or the damage of the species made reference to be caused, the offender shall be subject to a punishment of deprivation of freedom for a period of from six months to two years.

ARTICLE 239. Whoever pours, spills or downloads harmful substances for the national economy or waste products containing such substances in the territorial waters or in the Maritime Economic Area of the Republic, shall be subject to a punishment of a fine of one thousand to ten thousand quotas.

## CHAPTER XVI

### **ILLEGAL SLAUGHTER OF MAJOR LIVESTOCK AND SALE OF MEAT**

ARTICLE 240. 1. Whoever, without prior authorization from the state agency empowered to do so, slaughters major livestock, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. Whosoever sells, transports or in any manner whatsoever trades with major livestock meat illegally, shall be subject to a punishment of deprivation of freedom for a period of from six months to two year, a fine of two hundred to five hundred quotas, or both.

3. Whosoever, knowingly, acquires slaughtered major livestock meat illegally, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

4. Whoever, without previously informing the competent authority for its due verification, slaughters major livestock having suffered an accident which indispensably requires its slaughter, shall be subject to a punishment of a fine of one hundred to three hundred quotas.

## CHAPTER XVII

### **UNLAWFUL ACTIVITIES CONCERNING NATURAL RESOURCES OF TERRITORIAL WATERS AND ECONOMIC AREA OF THE REPUBLIC**

## FIRST SECTION

### **Illegal Exploitation of the Economic Area of the Republic**

ARTICLE 241. 1. The foreigner who, without due authorization, performs any act with the purpose of exploiting the natural resources, whether alive or not, from marine bed and subsurface and the existent ones in the immediate superimposed waters to the coasts out of the territorial sea, in the extension established by law, shall be subject to a punishment of a fine of one thousand to ten thousand quotas.

2. The confiscation of the equipment and that of the natural resources extracted from the marine bed and subsurface in the event referred to in the preceding paragraph may be imposed as an incidental sanction, in addition to the corresponding one.

## SECOND SECTION

### **Illegal Fishing**

ARTICLE 242. 1. The foreigner who, without the due authorization, with any kind of vessel, enters the territorial waters or the Economic Area of the Republic, adjacent to its territorial sea with the purpose of fishing shall be subject to a punishment of a fine of one thousand to ten thousand quotas.

2. The confiscation of the fishing equipment and of the captured species in the event referred to in the preceding paragraph may be imposed as an incidental sanction, in addition to the corresponding one.

## TITLE VI

### **OFFENCES AGAINST CULTURAL PROPERTY**

#### CHAPTER I

### **DAMAGES TO CULTURAL PROPERTY GOODS**

ARTICLE 243. Whosoever intentionally destroys, damages or renders useless goods declared as part of the cultural property or as a local or national monument, shall be subject to a punishment of deprivation of freedom for a period of from two to five years or a fine of three hundred to one thousand quotas.

#### CHAPTER II

### **ILLEGAL TAKE OUT OF CULTURAL PROPERTY GOODS**

### **FROM THE COUNTRY**

ARTICLE 244. Whoever takes out goods from the country, or intends to do so, declared as part of the cultural property without complying with the legal formalities, shall be subject to a punishment of deprivation of freedom for a period of from two to five years or a fine of three hundred to one thousand quotas.

### CHAPTER III

#### **ILLEGAL TRANSFER AND POSSESSION OF CULTURAL PROPERTY GOODS**

ARTICLE 245. Whoever, without complying with the legal formalities, performs any act transferring property or possession of a good declared part of the cultural property, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

ARTICLE 246. Whosoever, without complying with the legal formalities, acquires or has in his possession by any concept, some good declared cultural property or some good coming from a real property declared national or local monument, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

### CHAPTER IV

#### **ILLEGAL ARCHAEOLOGICAL EXPLORATION**

ARTICLE 247. Whosoever, without authorization of the competent state agency, carries out archaeological exploration jobs through excavations, land removal or other means shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

### TITLE VII

#### **OFFENSES AGAINST PUBLIC FAITH**

##### CHAPTER I

#### **CURRENCY FORGERY**

ARTICLE 248. 1. A punishment of deprivation of freedom for a period of from four to ten years shall be imposed on whomever:

- a) manufactures currency imitating the legitimate currency of legal tender in the Republic;

b) alters legitimate currency of legal tender in the Republic in order to make it appear as of higher value than the value it actually has;

c) enters the Republic one or another kind of forged currency, issues or circulates them;

ch) has false currency, which, due to its number or to any other circumstance, is destined to issuance and circulation.

2. The same punishment as above shall be imposed should the subject matter of the offense be constituted by bearer credit instruments issued by the State or its agencies, and currency and foreign securities.

3. The preliminary acts of the offense set forth in this article shall be punished pursuant to what is provided for in article 12.5.

## CHAPTER II

### **FORGERY OF STAMPS AND STAMPED DOCUMENTS**

ARTICLE 249. A punishment of deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both, shall be imposed on whoever:

a) forges stamps or seals, brands or passwords used in the state agencies in order to identify any object or document whatsoever or as an evidence of any act having been performed or brings them into the Republic;

b) forges mail stamps or any other kind of State stamped documents or brings forged stamps into the Republic or issues or circulates them;

c) makes the signs of their legal uselessness disappear, by any means, of mail stamps and State stamped documents;

ch) uses or acquires in order to use, any of the stamps or false documents mentioned in this article or those in which the signs of their legal uselessness were made to be disappeared.

2. The preliminary acts of the offense set forth in this article shall be punished pursuant to what is provided for under article 12.5.

## CHAPTER III

## **FORGERY OF DOCUMENTS**

### **FIRST SECTION**

#### **Forgery of Public Documents**

ARTICLE 250. 1. A punishment of deprivation of freedom for a period of from three to eight years shall be imposed on whomever:

- a) makes, in full or in part, a false public document or alters a legitimate one;
- b) contributes to consign data, declarations or inaccurate facts in a public document, related to the act the document is the subject matter of;
- c) inserts any document in protocol, register or official book without complying with the legal formalities;
- ch) in prejudice of the national interest or of an individual, suppresses, conceals or destroys a document of the kind referred to.

2. He who, knowing its falseness, makes use of a forged public document in place of another one, or takes advantage of it in any manner whatsoever, or takes possession of it for its use, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

3. Should the crime be committed by a public official, with abuse of his office, he shall be subject to a punishment of deprivation of freedom for a period of from five to twelve years.

4. The same punishment as above shall be imposed should the subject matter of the offence be constituted by foreign documents of the type referred to in this article.

5. The preliminary acts of the offense set forth in this article shall be punished pursuant to what is provided for under article 12.5.

### **SECOND SECTION**

#### **FORGERY OF BANKING AND COMMERCIAL DOCUMENTS**

ARTICLE 251. 1. Whosoever incurs in forgery in any manner mentioned in paragraph 1 of article 250, whether it be in checks, orders of payment or any other banking or commercial document whatsoever, shall be subject to a punishment of deprivation of freedom for a period of from three to eight years.



2. He who, having knowledge of its falseness, makes use of a document of the nature referred to in the preceding paragraph, takes advantage of it in any manner whatsoever, or takes possession of it for its use, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

3. Should the crime be committed by a public official, with abuse of his office, he shall be subject to a punishment of deprivation of freedom for a period of from five to twelve years.

4. The preliminary acts of the offense set forth in the present article are punished pursuant to what is provided for in article 12.5.

### THIRD SECTION

#### **Forgery of Identity Card, of Minor Card**

#### **and Temporary Identification Document**

ARTICLE 252. 1. Whosoever incurs in forgery in any of the manners referred to in paragraph 1 of article 250, in the Identity Card, the Minor Card or the Temporary Identification Document, shall be subject to a punishment of deprivation of freedom for a period of from one to three years or fine of three hundred to one thousand quotas.

2. Whoever, having knowledge of its falseness, makes use of a document of the nature referred to in the preceding paragraph, takes advantage of it in any manner whatsoever, or takes possession of it for its use, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

3. Should the crime be committed by a public official, with abuse of his office, he shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

4. The preliminary acts of the offense set forth in this article are punished pursuant to what is provided for under article 12.5.

### FOURTH SECTION

#### **Forgery of Shipment of Mail Services**

#### **and Telegraphs or of those Transmitted by**

#### **Communication Networks**

ARTICLE 253. 1. Whosoever forges a shipment of mail service and telegraphs or of those transmitted by the communication networks shall be subject to a punishment of

deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both.

2. Whosoever, having knowledge of its falseness, makes use of a document of the nature referred to in the preceding paragraph, takes advantage of it in any manner whatsoever, or takes possession of it for its use, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

3. Should the crime be committed by a public official or employee, with abuse of his office, he shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

## FIFTH SECTION

### **Forgery of Medical Certificates**

ARTICLE 254.1. The physician who prescribes a false disease or injury certificate in order for an individual to unduly obtain a right or the use of a benefit, or for being exempted of the duty of rendering any public service, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should the offense be committed in exchange for a price or material reward of any nature whatsoever, the offender shall be subject to a punishment of deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

3. The same punishment as above shall be imposed on the individual who makes or alters a certificate of the kind referred to in the preceding paragraphs in any manner whatsoever and the one who makes use of the same, as applicable.

## SIXTH SECTION

### **Forgery of Identity Documents**

ARTICLE 255. A punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both shall be imposed on whomever:

a) makes a false identity document, corresponding to a work center, study or political, social and mass organization or alters a legitimate one;

b) knowing that the documents are forged, uses one of the referred ones, forged by another, or possesses it;

c) has a legitimate identity document, belonging to another individual and does not provide sufficient explanation for it;

ch) facilitates another individual, aiming at making him unduly identified, a legitimate identity document, whether his or a third party's;

d) submits a legitimate identity document simulating to be the individual it makes reference to, before an authority or public official;

e) falsely identifies another individual before authority or public official.

## SEVENTH SECTION

### **Falsification of Teaching Assessment Tests**

ARTICLE 256. The public official or employee who intentionally consigns or helps to consign in certification, register of marks, exams, tests or other documents of teaching assessment, data or inaccurate facts related to the act of which the document is the subject matter, alters what is provided for in it or delivers or carries out proceedings connected with the false document, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

## EIGHTH SECTION

### **Forgery of Private Document**

ARTICLE 257. A punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas shall be imposed to whomever:

a) having made in full or in part a false private document or having altered a legitimate one, in prejudice of a third party, with the intention to perform such prejudice or to make profit, makes use of it by himself or a third party;

b) without taking part in the forgery, makes use of the false document, knowingly, with the intention of making profit or in prejudice of a third party.

## NINTH SECTION

### **Forgery of Officially Used Documents for the Distribution to Population of**

## **Use and Consumption Goods Subject to Regulation**

ARTICLE 258. 1. The official or employee who prepares, in full or in part, a false document of the kind officially used for the distribution of the use and consumption goods to the population subject to regulation, or who alters a legitimate one, shall be subject to a punishment of deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both.

2. A punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both shall be imposed on whomever:

b) replaces, makes disappear or alters, in any manner whatsoever, the data or entries consigned in the documents referred to in the preceding paragraph;

b) consigns, knowingly, inaccurate declarations or facts related to the act this document is the subject matter of, in a document of those mentioned in this article.

3. A punishment of deprivation of freedom of from three months to one year, a fine of one hundred to three hundred quotas, or both shall be imposed on the individual who, in particular, commits any of the offences mentioned in the preceding paragraphs.

4. A punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both shall be imposed on whomever:

a) without participating in the forgery of any of the documents mentioned in paragraph 1, knowingly makes use of the false document;

b) makes use of any of the legitimate documents which regulate the distribution, in prejudice of the individual to whom they belong.

## **TENTH SECTION**

### **Manufacturing, Introduction or Possession of Instruments**

#### **to Forge**

ARTICLE 259. 1. Whosoever manufactures or enters the country stamps, presses, marks or any other kinds of objects or tools knowingly destined to the forgery referred to in the preceding paragraphs shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. He who possesses any of the objects or tools mentioned in the prior paragraph and does not sufficiently explain its acquisition, possession or preservation shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

## ELEVENTH SECTION

### **Supplementary Provision**

ARTICLE 260. Whosoever commits any of the offences provided for in this Chapter in order to obtain means of evidence of true acts shall be exempted from criminal liability.

## TITLE VIII

### **OFFENCES AGAINST LIFE AND BODY INTEGRITY**

#### CHAPTER I

#### **HOMICIDE**

ARTICLE 261. The individual who kills another one shall be subject to a punishment of deprivation of freedom for a period of from seven to fifteen years.

#### CHAPTER II

#### **TUMULTUOUS RIOT**

ARTICLE 262. 1. When in a riot, in which several individuals assault each other confusingly and tumultuously, and from which the death of an individual arises and whose perpetrator is not evident, any and all individuals having exercised violence on the victim shall be subject to a punishment of deprivation of freedom of from two to five years.

2. Should serious injuries result from the tumultuous riot referred to in the preceding paragraph, the individuals having participated shall be subject to a punishment of deprivation of freedom for a period of from six months to two years.

3. Should the identity of the individuals having exercised violence on the victim during the commission of the act not be identified, the punishment to be imposed shall be:

a) a punishment of deprivation of freedom for a period of from six months to two years in the case of paragraph 1;

b) a punishment of deprivation of freedom for a period of from three months to one year or a fine from a hundred to three hundred quotas, in the case set forth in paragraph 2.

4. In order to adjust the punishment, the court shall take into consideration the proven degree of participation each individual having taken part in the riot has had.

### CHAPTER III

#### **MURDER**

ARTICLE 263. A punishment of deprivation of freedom for a period of from fifteen to twenty years or death shall be imposed on whosoever murders another individual, in the following circumstances:

- a) executing the act by means of price, reward or benefit, of any nature whatsoever, or their offer or promise;
- b) performing the act by using means, manners or forms tending, directly or indirectly, and specially, to assure its execution without any risk for the offender arising from the defense that the offended could perform;
- c) executing the act against an individual who, notoriously, due to his personal conditions or due to the circumstances he is going through, is not able to defend himself properly;
- ch) increasing willfully the victim's suffering provoking other unnecessary damages in order to commit the offense;
- d) when the offender performs with premeditation, i.e. when his external acts show that the idea of the offense came to his mind sufficiently before so as to consider it quietly, and that considering the time between the purpose and its commission, the idea was created taking into account the difficulties which could arise and insisting on the execution of the act;
- e) executing the act having knowledge that, at the same time, the lives of other individuals are put at risk;
- f) performing the act in order to prepare, facilitate or conceal another offense;
- g) acting by a sadist impulse or brutal wickedness;
- h) having illegally deprived of freedom to the victim prior to his murder;
- i) executing the act against the authority or his agencies when they are exercising their office;

j) performing the act due to or as a consequence of committing the offense of robbery with force on objects, violent robbery with intimidation on individuals, rape or pederasty with violence.

ARTICLE 264. 1. The same punishment as above shall be imposed on whomever, on purpose, murders an ascendant or descendant or his spouse, whether by formalized marriage or not, even though no qualifying circumstance concurs in the act.

2. The mother, who within the seventy two hours subsequent to her childbirth, murders her child in order to conceal the act of having conceived it, shall be subject to a punishment of deprivation of freedom for a period of from two to ten years.

#### CHAPTER IV

### **SHOOT OF FIREARM AGAINST A SPECIFIC INDIVIDUAL**

ARTICLE 265. A punishment of deprivation of freedom for a period of from one to three years, insofar as the act does not constitute a more serious offense, shall apply to the shoot from a firearm against a specific individual, despite the victim is not wounded.

#### CHAPTER V

### **ASSISTANCE TO SUICIDE**

ARTICLE 266. Whosoever assists or induces another individual to commit suicide shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

#### CHAPTER VI

### **UNLAWFUL ABORTION**

ARTICLE 267. 1. Whosoever, beyond the health regulations stipulated for the abortion, with the authorization of the pregnant woman, causes the abortion of said woman or destroys the embryo in any manner whatsoever, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

2. The offender shall be subject to a punishment of deprivation of freedom for a period of from two to five years should the act in the preceding paragraph:

- a) be committed for profit;
- b) be performed out of the official institutions;
- c) be carried out by an individual who is not a physician.

ARTICLE 268. 1. Whoever, on purpose, causes the abortion or destroys in any manner whatsoever the embryo shall be subject to a punishment of:

a) deprivation of freedom for a period of from two to five years, when, without exercising either force or violence in the pregnant woman, acts without her consent;

b) deprivation of freedom for a period of from three to eight years, when force or violence is exercised on the pregnant woman.

2. Should any of the circumstances provided for under paragraph 2 in the previous article occur, the individual shall be subject to a punishment of deprivation of freedom for a period of from four to ten years.

ARTICLE 269. Should, as a consequence of the acts provided for in the two paragraphs hereinbefore, the death of the pregnant woman occur, the offender shall be subject to a punishment of deprivation of freedom for a period of from five to twelve years.

ARTICLE 270. Whosoever, due to having exercised acts of force, violence or injuries on the pregnant woman, causes the embryo abortion or destruction, without intending to do so; however, having knowledge of the woman's pregnancy, shall be subject to a punishment of deprivation of freedom for a period of from one to three years, should a more serious punishment not be applicable due to the injuries caused.

ARTICLE 271. He who, without due medical prescription, sells or facilitates an abortive or suitable substance to destroy the embryo, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

## CHAPTER VII

### INJURIES

ARTICLE 272. 1. Whosoever causes serious bodily injuries or seriously damages the health of another individual, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. Serious injuries are deemed to be those which put at imminent risk the life of the victim or cause deformity, disability or any other anatomic, physiological or psychic sequela whatsoever.

3. In order to adjust the punishment, the court shall take into consideration, in particular, the extent to which the intention of the offender agrees with the nature and entity of the injuries caused.



ARTICLE 273. Whosoever blinds, castrates or impairs another individual for procreation shall be subject to a punishment of deprivation of freedom for a period of from five to twelve years.

ARTICLE 274. A punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both shall be imposed on whosoever causes bodily injuries or damages the health of another individual, despite the life of the victim is not put at risk, the sequels referred to in articles 272 and 273 are not caused, and when medical treatment is required for his recovery.

## CHAPTER VIII

### **ABANDONMENT OF DISABLED AND DESTITUTED MINORS**

ARTICLE 275.1. Whosoever abandons a disabled or a destituted individual due to his age, disease or due to any other reason whatsoever, insofar as he is legally obliged to maintain him or to feed him, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should, as a consequence of the desertion, the life of the victim be put at risk or serious injury or disease be caused, the individual shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

3. Should, as a consequence of the desertion, the death of the abandoned individual be caused, the offender shall be subject to a punishment of deprivation of freedom for a period of from five to twelve years.

4. The mother or father who commits the offense provided for in this article with reference to the abandonment of children under their parental authority may be subject to a punishment of an incidental sanction of the loss or suspension of their parental authority.

ARTICLE 276. Whosoever finds an individual abandoned in serious danger who due to his age or disability is not able to manage on his own and does not take him before an authority or take him to a safer place, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

ARTICLE 277. Whoever does not help or duly assist an injured individual or an individual exposed to a risk threatening his life or body integrity or his health without this implying a risk for himself, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should the act be committed by whom must help or assist the victim due to his office or profession, he shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

ARTICLE 278. A vehicle driver who does not help or assist the individual he has run over or injured in a road accident shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, notwithstanding the corresponding sanction due to the offense committed on the road.

## TITLE IX

### OFFENSES AGAINST INDIVIDUAL RIGHTS

#### CHAPTER I

### OFFENSES AGAINST PERSONAL FREEDOM

#### FIRST SECTION

#### **Deprivation of Freedom**

ARTICLE 279. 1. Whosoever deprives another individual of his personal freedom without having powers to do so and beyond the cases and conditions provided for by the law shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. The punishment shall be the deprivation of freedom for a period of from four to ten years:

a) should the act be performed for profit or by revenge;

b) should serious damage for the health, dignity or patrimony of the victim be the result of the act;

c) should the act be executed against a public official in exercise of his office;

ch) should the detainee or the individual deprived of his freedom be under the age of 16.

3. Should as a consequence of the act the death of the victim occur, insofar as said result could have been or should have been foreseen by the agent, the offender shall be subject to a punishment of deprivation of freedom for a period of from five to twelve years.

4. Should the offender spontaneously free the detainee or the individual deprived of his freedom within the first three days subsequent to the performance of the act without

having caused any damage or having achieved his objective, he shall be subject to a punishment of:

a) deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas, in the case set forth in paragraph 1;

b) deprivation of freedom for a period of from two to five years in the cases mentioned in paragraph 2.

ARTICLE 280. 1. The authority or the agent who within the legal term does not release the detainee or puts him at the disposal of the competent authority, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

2. The same punishment as above shall be imposed on the public official who, having the power to do so, does not cancel a detention not being taken to provisional detention within the legal term.

ARTICLE 281. The authority or the agent who due to an inexcusable negligent behavior does not release the detainee or puts him at the disposal of competent authority within the legal term, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

ARTICLE 282. The authority or the agent who unduly prolongs the fulfillment of a resolution that stipulates the freedom of a detainee, prisoner or punished individual shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

ARTICLE 283. A punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas, shall be imposed to the director of the correctional who:

a) receives a person as a prisoner or sanctioned individual, unless by order issued by a competent authority or court;

b) does not take a detainee or prisoner before the competent authority or court when it has been claimed by virtue of a resolution issued during a habeas corpus process or any other similar one.

## SECOND SECTION

### **Threats**

ARTICLE 284. 1. The individual who threatens another to commit an offense in his prejudice or in prejudice of a relative of him, and that due to the conditions and circumstances he states so, he is able to seriously frighten the victim, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

2. Should for the threat be used a firearm or any other kind of arm whatsoever, the threatener shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

ARTICLE 285. 1. Whosoever beyond the case provided for under article 332 threatens another individual to disclose an injurious fact for his honor or his public prestige, or that one of his spouse, ascendant, descendant, sibling or any other close relative in order to force him to behave in a specific manner, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. Should the offence be executed by one or more individuals acting as members of an organized group or should a serious prejudice arise from the act, the punishment shall be the deprivation of freedom for a period of from three to eight years.

### THIRD SECTION

#### **Coercion**

ARTICLE 286. 1. Whosoever, without legitimate reason, exercises violence on another individual or threatens him in order to force him to instantly do what he does not desire, whether fair or unfair, or to tolerate that another individual does it or to prevent him from doing what the law does not prohibit, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

2. Whosoever by any other means prevents another individual from doing what the law does not prohibit or from exercising his rights shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

### CHAPTER II

#### **HOUSEBREAKING AND ILLEGAL REGISTER**

##### FIRST SECTION

#### **Housebreaking**

ARTICLE 287. 1. Whosoever, beyond the cases authorized by law, breaks into the domicile of an individual without the express or implied consent of the dweller, or stays

at it against his manifest will shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should the offense be executed at night or in a deserted place, or by means of violence or intimidation on individuals, force on the objects or using arms, or with the participation of two or more individuals, the punishment shall be the deprivation of freedom for a period of from two to five years.

3. For the purposes of this article, domicile shall be construed as the home serving as dwelling and the closed rooms composing it, and closed spaces, courtyards and fenced gardens adjacent to it.

## SECOND SECTION

### **Illegal Register**

ARTICLE 288. Whosoever, without legal authorization or without complying with the legal formalities, registers a domicile shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas or both.

## CHAPTER III

### **VIOLATION AND REVELATION OF SECRET**

#### **OF CORRESPONDENCE**

#### FIRST SECTION

##### Violation of Correspondence Secrecy

ARTICLE 289.1. Whoever, without being authorized, opens a letter, telegram, shipment or any other piece of correspondence whatsoever belonging to another shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of a hundred to three hundred quotas.

2. Whosoever, without being authorized, violates the telephone communications secrecy shall be subject to the same punishment as above.

3. The punishment shall be of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas, should the offense be committed by a public official or employee with abuse of his office.

## SECOND SECTION

## **Revelation of Correspondence Secrecy**

ARTICLE 290. 1. Whosoever, with the purpose of damaging another individual or of obtaining a benefit for himself or for a third party, discloses a secret he knows through a letter, a telegram, a shipment or any other form of correspondence not addressed to him, shall be subject to a punishment of deprivation of freedom for a period of from three months to a year or a fine of a hundred to three hundred quotas or both.

2. Should the offence be committed by a public official or public employee abusing of his office, he shall be subject to a punishment of by deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

### **CHAPTER IV**

#### **OFFENCE AGAINST FREEDOM OF THOUGHT**

ARTICLE 291. 1. He who, in any manner whatsoever, prevents another individual from exercising his right to freedom of speech or press guaranteed by the Constitution and the laws, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should the offense be committed by a public official, with abuse of his office, he shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

### **CHAPTER V**

#### **OFFENCES AGAINST RIGHTS OF ASSEMBLY, DEMONSTRATION, ASSOCIATION, COMPLAINT AND PETITION**

ARTICLE 292. 1. A punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both shall be imposed on whoever:

- a) prevents a lawful association from working or an individual from belonging to it;
- b) prevents a lawful meeting or demonstration from being carried out or an individual from attending them;
- c) Obstructs or prevents an individual from informing complaints or petitions to the authorities.

2. Should the offense be committed by a public official with abuse of his office, he shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

## CHAPTER VI

### **OFFENCE AGAINST THE PROPERTY RIGHT**

ARTICLE 293. The public official who decides to expropriate the property or the rights of an individual without legal authorization or without complying with the legal formalities shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

## CHAPTER VII

### **OFFENSE AGAINST THE FREEDOM OF RELIGION**

ARTICLE 294. 1. Whosoever impedes or disturbs the public acts or ceremonies of the registered religions celebrated with observance of the legal provisions shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should the offense be committed by a public official with abuse of his office, he shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

## CHAPTER VIII

### **OFFENSE AGAINST THE RIGHT OF EQUALITY**

ARTICLE 295. 1. Whosoever discriminates another individual or promotes or incites discrimination whether by manifestations and offensive intentions to his sex, race, color or nationality or by carrying out actions in order to obstruct or impede the exercise or enjoyment of the rights of equality due to sex, race, color or nationality, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years, a fine of two hundred to five hundred quotas, or both.

2. Whosoever spreads ideas based on the superiority or racial hatred or carries out violent acts or incites to commit them against any race or group of individuals of another color or ethnic origin shall be subject to the same punishment as above.

## TITLE X

### **OFFENSES AGAINST LABOUR RIGHTS**

#### CHAPTER I

## **NON-FULFILLMENT OF RULES OF PROTECTION AND HYGIENE AT WORK**

ARTICLE 296. 1. The directly responsible individual for the application or execution of the measures concerning the protection and hygiene at work that, as a consequence of violating the provisions established in this sense within the field of his jurisdiction, causes the death of any worker, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. Should, as a consequence of the violation referred to in the preceding paragraph, serious injuries or damages for the health of any worker be caused, the punishment to be imposed shall be the deprivation of freedom for a period of from six months to one year or a fine of two hundred to five hundred quotas.

3. Whosoever, for not having ordered and having the duty to do so, who must comply with the measures of protection and hygiene at work, causes the death of a worker shall be subject to a punishment of deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

4. Should, as a consequence of the violation referred to in the preceding paragraph, serious injuries or damages for the health of any worker be caused, the punishment to be imposed shall be the deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

## **CHAPTER II**

### **UNDUE IMPOSITION OF DISCIPLINARY MEASURES**

ARTICLE 297. 1. Whosoever, being or without being legitimately authorized, illegally imposes on the workers disciplinary measures, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

2. Whenever the illegal disciplinary measure is imposed due to hostility, revenge or any other malicious purpose whatsoever, the punishment to be imposed shall be the deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

## **TITLE XI**

### **OFFENSES AGAINST ORDINARY DEVELOPMENT OF**

### **SEXUAL INTERCOURSE AND AGAINST FAMILY, INFANCY AND YOUTH**

## **CHAPTER I**



# OFFENSES AGAINST THE ORDINARY DEVELOPMENT OF SEXUAL INTERCOURSE

## FIRST SECTION

### Rape

ARTICLE 298. 1. A punishment of deprivation of freedom for a period of from four to ten years shall be imposed on whosoever has sexual intercourse with a woman whether by normal manner or *contra naturam* insofar as the act takes place in any of the circumstances, as follows:

- a) that the culprit uses sufficient force or intimidation in order to meet his objective;
- b) that the victim is mentally disturbed or suffers from temporary insanity or is deprived of his reasoning or sense due to any motive whatsoever, or is disabled to resist or lacks the power to understand the scope of his action or to manage his behavior.

2. The punishment shall be of deprivation of freedom for a period of from seven to fifteen years :

- a) should the act be executed with the participation of two or more individuals.
- b) should the culprit, in order to facilitate the execution of the act, appear wearing a military uniform or pretending to be a public official;
- c) should the act be executed by an individual having been punished by the same offense before.

3. The punishment to be imposed shall be of deprivation of freedom for a period of from eight to twenty years or death:

- a) should the victim be under the age of 12;
- b) should, as a consequence of the act, serious injuries or diseases arise.

## SECOND SECTION

### Pederasty with Violence

ARTICLE 299. 1. Whosoever executes acts of active pederasty using violence or intimidation, or taking advantage of the victim being deprived of his reasoning or sense or being disabled to resist, shall be subject to a punishment of deprivation of freedom for a period of from seven to fifteen years.

2. The punishment shall be of deprivation of freedom for a period of from eight to twenty years or death:

a) should the victim be under the age of 14, even though the circumstances provided for in paragraph 1 are not present;

b) should, as a consequence of the act, serious injuries or diseases arise.

### THIRD SECTION

#### **Lascivious Abuses**

ARTICLE 300. 1. Whosoever, without the intention of having sexual intercourse, lasciviously abuses of an individual whether of one sex or another, concurring any of the circumstances provided for under paragraph 1, article 298, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

2. Should any of the circumstances referred to in paragraph 2 under article 298 be present in the lascivious abuse, the punishment shall be the deprivation of freedom for a period of from one to three years or a fine of three hundred to one thousand quotas.

3. Should any of the circumstances referred to in paragraph 3 under article 298 be present in the lascivious abuse, the punishment shall be the deprivation of freedom for a period of from two to five years.

4. Should any of the circumstances referred to in paragraphs 1, 2 and 3 under article 298 be present in the lascivious abuse, the punishment shall be the deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

ARTICLE 301. The authority, official or employee who proposes sexual intercourses to a woman being at his disposal as a detainee, confined or punished individual, or under his custody or to the wife, daughter, mother, sister or similar relative in the same degrees of the individual in that situation shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

ARTICLE 302. The authority, official or employee who proposes sexual intercourse to a woman having a civil suit, case or process, file or matter of any nature whatsoever pending of resolution, procedure, opinion or official report in which he is to intervene due

to his office, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

#### FOURTH SECTION.

##### **Public Scandal**

ARTICLE 303. A punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas shall be imposed on whosoever:

- a) provokes another individual with homosexual requirements;
- b) offends the decency or good habits with indecent exposure or with any other act of public scandal;
- c) produces or circulates publications, engraves, films or recording tapes, recordings, photographs or any other object resulting to be obscene tending to pervert or degrade the habits.

#### CHAPTER II

##### **OFFENSES AGAINST ORDINARY DEVELOPMENT OF FAMILY**

#### FIRST SECTION

##### **Incest**

ARTICLE 304. 1. The ascendant who has sexual intercourse with his descendant shall be subject to a punishment of deprivation of freedom for a period of from two to five years. The descendant shall be subject to a punishment of deprivation of freedom for a period of from six months to two years.

2. The siblings having sexual intercourse to one another shall be subject to a punishment of deprivation of freedom for a period of from three months to one year each.

3. The punishments provided for in this article shall be imposed insofar as the acts do not constitute a more serious offense.

#### SECOND SECTION

##### **Statutory Rape**

ARTICLE 305. Whosoever has sexual intercourse with a single woman over 12 years of age and under 16, using abuse of authority or deception, shall be subject to a punishment of deprivation of freedom of from three months to one year.

### THIRD SECTION

#### **Bigamy**

ARTICLE 306. Whosoever formalizes a new marriage without the previous marriage being legitimately dissolved shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine of one hundred to three hundred quotas.

### FOURTH SECTION

#### **Illegal Marriage**

ARTICLE 307. Whosoever, notwithstanding the fact of existing a legal prohibition, formalizes a marriage shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

### FIFTH SECTION

#### **Substitution of a Child for Another One**

ARTICLE 308. 1. Whosoever subtracts a child belonging to another or substitutes a child for another one shall be subject to a punishment of deprivation of freedom for a period of from six months to two years.

2. Should the act provided for in the previous paragraph be performed for profit or with another malicious purpose, the culprit shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

### SIXTH SECTION

#### **Supplementary Provisions**

ARTICLE 309. 1. The denunciation of the offended individual is needed in order to proceed in the cases of rape, pederasty with violence, lascivious abuses, incest, bigamy and illegal marriage, notwithstanding his age or that of his spouse, ascendant, siblings, legal representative or the individual who is responsible for the care and custody: the cases were they made scandal excepted, in which the denouncement of any individual is sufficient.

2. The legal representative shall be the sole individual who proceeds to denounce on behalf of the offended individual in the case of statutory rape. Notwithstanding, should the denouncer expressly renounce the denunciation in writing or orally prior to the trial and certifying in an act during the execution hereof, the proceedings shall be closed.

## CHAPTER III

### OFFENSES AGAINST THE ORDINARY DEVELOPMENT

#### OF INFANCY AND YOUTH

##### FIRST SECTION

##### **Minors Perversion**

ARTICLE 310. Whosoever induces a child under 16 years of age, whether female or male, to exercise homosexuality or prostitution or to attend places where bad habits or pervasive actions are performed, or to perform any other dishonest act provided for in this Code, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

ARTICLE 311. A punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both, shall be imposed on whomever:

- a) having knowledge that a minor subject to his authority, guardianship or custody is exercising any of the acts provided for in the previous article, consents to it or does not avoid it or inform it to the authorities;
- b) executes sexual acts before individuals under the age of 16.

ARTICLE 312. Whosoever offers, sells or facilitates an individual under the age of 16, books, publications, stamps, photographs or other objects of an obscene nature, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

ARTICLE 313. 1. Whosoever induces an individual under the age of 16 to participate in games of interest or to drink alcoholic beverages shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should the induction be connected with the use of toxic drugs or narcotics, the punishment to be imposed shall be of deprivation of freedom for a period of from three to eight years.

ARTICLE 314. Whosoever, due to his negligence or neglect, causes a minor under his authority, guardianship or custody to use toxic drugs or narcotics of any nature whatsoever, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

## SECOND SECTION

### **Other Acts Opposed to the Ordinary Development of the Minor**

ARTICLE 315. 1. Whosoever does not take care of or neglects education, sustenance or assistance of an under aged individual who is under his authority, guardianship or custody shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to the hundred quotas, or both.

2. The same punishment as above shall be imposed on he who, having been deprived of the *Patria Potestas*, does not contribute with the sustenance of his children under the conditions and terms provided for by the law.

ARTICLE 316. Whosoever induces an under-aged individual to abandon his home, be absent from school, reject the educational work inherent to the national education system or not to comply with his duties related to the respect and love to the Nation shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

## CHAPTER IV

### **Supplementary Provisions**

ARTICLE 317. 1. The teachers or individuals responsible for the education or youth management in any manner whatsoever, who are declared to be guilty of any of the offenses provided for under articles 298, 299, 300, 303, 304, 310, 311, 312, 313, 314, and 316 shall be subject to a punishment of an incidental sanction of permanent prohibition for the exercise of their profession or for the exercise of any other function of youth management.

2. The ascendant tutors or guardians who commit the offenses provided for in articles 298, 299, 300, 303 under sub paragraphs a) and b) 304 and 310 against the individual of their respective descendants, boarder or minors upon their custody, shall be subject to a punishment of deprivation of parental child or guardian relationship, apart from the punishment mentioned in each case.

3. The culprit in the cases of rape, statutory rape or bigamy shall be furthermore subject to a punishment of recognizing the resulting offspring, should the offended require it.

## TITLE XII

### **OFFENSES AGAINST HONOUR**

#### CHAPTER I

#### **DIFAMATION**

ARTICLE 318. 1. Whosoever, before third parties, attributes another individual a behavior, an act or a characteristic contrary to honor, which could damage his social reputation, harm his public opinion or expose him to lose the trust required for the performance of his office, profession or social role, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. The defendant shall not be subject to any punishment should he prove the imputations he performed or spread were genuine or that he had serious reasons to believe them, and that he acted, or believed with grounds that he acted in defense of a socially justifiable interest.

3. Should the defendant have no other purpose than denigrating the victim, the evidence referred to in the preceding paragraph shall not be admitted.

4. Should the defendant not prove the truthfulness of his imputations or withdraw of them, or should the imputations be contrary to the truth, the court consigns it in this manner and the defendant is to give the victim the due proof of that act.

## CHAPTER II

### SLANDER

ARTICLE 319. Whosoever, knowingly, spreads false facts giving rise to the discredit of an individual, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine of two hundred to five hundred quotas.

2. Should before the court, the culprit acknowledge the falseness of his affirmations and retract from them, the punishment shall be the deprivation of freedom for a period of from three months to one year or a fine from one hundred to three hundred quotas. The court shall provide the victim with a certificate of the withdrawal.

## CHAPTER III

### LIBEL

ARTICLE 320. Whosoever, on purpose, in writing or orally, by means of drawings, gestures or acts, offends another individual in his honor, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year or a fine from one hundred to three hundred quotas.

2. The court may not impose the punishment should the libel be due to the provocative behavior of the victim or should he have reacted immediately with another libel or with an attack against physical integrity.

## CHAPTER IV

## **SUPPLEMENTARY PROVISIONS**

ARTICLE 321.1. The offenses of libel and slander shall solely be pursuable by the complaint of the offended party.

2. Libel shall require the denunciation from the offended party. Should the libel or slander refer to a dead person or an individual declared absent, the right to denounce or file the complaint shall correspond to his closest relatives.

### **TITLE XIII**

## **OFFENSES AGAINST PROPERTY RIGHTS**

### **CHAPTER I**

#### **THEFT**

ARTICLE 322. Whosoever steals personal property pertaining to a third party, with the intention to make profits, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years or a fine from two hundred to five hundred quotas, or both.

2. The punishment shall be the deprivation of freedom for a period of from two to five years should:

- a) as a consequence of the crime, serious damage be caused;
- b) the act be committed by one or more individuals acting as members of an organized group;
- c) the act be committed in an inhabited house;
- ch) the act consist in grabbing the personal property from the hands or from above the damaged individual insofar as no injuries are caused.

3. Should the act be performed with the participation of individuals under 16 years of age, the punishment shall be the deprivation of freedom for a period of from three to eight years.

4. The same punishment as that provided for under paragraph 2, shall be imposed on whosoever, with the purpose to make profits, steals a vehicle and takes possession of any of its components or pieces.

ARTICLE 323. Notwithstanding what has been provided for under the preceding article, should the personal property stolen be of limited value and severe damage be not



produced, the punishment shall be the deprivation of freedom for a period of from three months to one year, a fine from one hundred to three hundred, or both.

ARTICLE 324.1. Whosoever, taking advantage of public crowds or any other favorable circumstance, steals personal property, documents or values in any amount whatsoever the victim may be carrying, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. Should the act provided for under the preceding paragraph be performed by a recidivist, the punishment shall be the deprivation of freedom for a period of from three to eight years.

## CHAPTER II

### **ELECTRICITY, GAS, WATER OR POWER THEFT**

ARTICLE 325. Whosoever steals electric, gas, water fluid or power, of personal or collective installation, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

## CHAPTER III

### **MOTOR VEHICLES THEFT FOR THEIR USE**

ARTICLE 326.1. Whosoever steals a motorized vehicle with the intention to temporarily use it himself or a third party, shall be subject to the punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. The punishment shall be the deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both, should:

a) as a consequence of the act or at the same time of the act the vehicle be significantly damaged or should there be any other serious damage.

b) the act be performed by one or more individuals acting as members of an organized group or with the participation of infants under 1 year of age.

## CHAPTER IV

### **ROBBERY WITH VIOLENCE OR INTIMIDATION TO INDIVIDUALS**

ARTICLE 327. Whosoever steals personal property pertaining to another individual, with the intention to make profits from it, using violence or intimidation over other individuals, shall be subject to a punishment of deprivation of freedom for a period of from three to eight years.

2. The same punishment as above shall be imposed on whosoever steals a personal property pertaining to another individual should, immediately subsequent to committing the offense, he use violence or threaten with immediate violence on an individual to retain the stolen element or to achieve impunity of the act.

3. The punishment shall be the deprivation of freedom for a period of from four to ten years whenever:

a) the act is committed in a public transport vehicle or in a passengers transport vehicle when it is rendering said service;

b) the defendant commits the act by wearing the uniform of the members of the Revolutionary Armed Forces or of any other armed force of the Republic, or pretending to be a Public official, or showing the false order or mandate of an authority.

4. The punishment shall be the deprivation of freedom for a period of from eight to twenty years whenever:

c) the act is committed in an inhabited house;

b) during the commission of the act or at the same time serious injuries are caused;

c) the act is committed by an agent carrying a fire arm or of any other kind or any other suitable instrument for the assault;

ch) the act is performed by one or more individuals acting as members of an organized group or with the participation of minors under 16 year of age.

## CHAPTER V

### **ROBBERY WITH FORCE ON OBJECTS**

ARTICLE 328. The punishment of deprivation of freedom for a period of from two to five years shall be imposed on he who steals personal property pertaining to another individual with the purpose to make profits from it, concurring in the act any of the following circumstances:

a) entrance to or exit from a place through a path that is not designed for that purpose;

b) use of a false key or of the real key that had been stolen or found, or a picklock or other similar instrument;

c) breakage of the wall, roof or soil, or fracture of doors or windows, or their locks, knockers or latches;

ch) breakage of closet or of any other kind of furniture or closed or sealed objects, or their locks, or its theft to fracture or force them in another place, even when the fracture or force is not consummated.

d) use of force on the thing itself.

2. The punishment shall be the deprivation of freedom for a period of from three to eight years whenever:

a) the defendant commits the act by wearing the uniform of the members of the Revolutionary Armed Forces or of any other armed force of the Republic or pretending to be a Public official;

b) the act is committed in an inhabited house; its inhabitants not being present.

c) the act is performed by one or more individuals acting as members of an organized group or with the participation of individuals under 18 years of age;

ch) the act is performed by taking advantage of the time a cyclone, an earthquake, a fire or any other public calamity takes place.

3. The punishment shall be the deprivation of freedom for a period of from five to twelve years should:

b) the act be committed in an inhabited house; its inhabitants being present.

b) the stolen objects be of significant value.

4. The preparatory acts of the offense provided for in this article shall be punished pursuant to what is provided for under article 12.5.

ARTICLE 329.1. Robbery with force on objects of limited value shall be punished by deprivation of freedom for a period of from three months to one year, a fine of one

hundred to three hundred quotas, or both, insofar as the circumstance of aggravation stipulated under subsection a) of the preceding paragraph 3 does not concur in the act, neither serious damage is caused nor the behavior of the offender shows strong danger.

2. The same punishment as above shall be imposed should the act referred to in the preceding paragraph be committed entering the space, yards, fenced gardens or terraces of an inhabited house, even when its inhabitants are present, insofar as the theft is performed in said places.

## CHAPTER VI

### **POSSESSION, MANUFACTURE AND SALE OF SUITABLE INSTRUMENTS TO COMMIT THE CRIME OF ROBBERY**

ARTICLE 330.1 Whosoever possesses a picklock or another suitable instrument to perform the crime of robbery and does not provide sufficient explanation with reference to its possession, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years, a fine of two hundred to five hundred quotas, or both.

2. The same punishment as above shall be imposed on he who manufactures said instruments or sells or facilitates them to another individual.

## CHAPTER VII

### **EXTORTION AND BLACKMAIL**

#### FIRST SECTION

##### **Extortion**

ARTICLE 331. Whosoever, with the purpose of obtaining an unlawful property benefit for himself or a third party and using violence, threat of imminent violence or of any other serious damage, compels another individual to deliver any deed or document, or to enter any obligation, cancel any debt or renounce any right, shall be subject to a punishment of deprivation of freedom for a period of from three to eight years.

#### SECOND SECTION

##### **Blackmail**

ARTICLE 332. 1. Whosoever threatens another individual with spreading a fact, whether true or untrue, harmful for his honor or public prestige or that of his spouse, ascendant, descendant, sibling or any other close relative in order to compel him to deliver money or property of any kind whatsoever or to perform, or refrain from performing any act in

detriment of his property, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. The punishment shall be of deprivation of freedom for a period of from three to eight years should the crime be performed by one or more individuals acting as members of an organized group or should serious damage result from the act.

## CHAPTER VIII

### USURPATION

ARTICLE 333.1. Whosoever unlawfully occupies or takes possession of a real property pertaining to another individual, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should the act provided for in the preceding paragraph be performed by using violence or intimidation on the persons, the punishment shall be the deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both.

3. The punishments provided for under paragraph 2 shall be imposed insofar as the facts arising from the exercised violence do not constitute a more severe crime.

## CHAPTER IX

### FRAUDS

#### FIRST SECTION

#### Swindle

ARTICLE 334.1. Whosoever, with the purpose of obtaining for himself or for another individual an unlawful advantage or property benefit, and using any plot or deceit inducing the victim to error, determines this individual to perform or refrain from performing an act in detriment of his personal property or those of a third party, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should the culprit, in order to perform the act, take advantage of the functions inherent to his position, employment, occupation or job he performs in a state economy agency, the punishment shall be the deprivation of freedom for a period of from two to five years.

3. Should due to the crime the culprit obtain a benefit of significant value, or should the victim suffer serious damage to his goods, or the act be committed by one or more individuals acting as members of an organized group, the punishment shall be the deprivation of freedom for a period of from four to ten years.

## SECOND SECTION

### **Undue Appropriation**

ARTICLE 335. 1. Whosoever, for the purpose of obtaining an unlawful advantage or property benefit for himself or another individual, appropriates or consents to another individual appropriating goods entrusted to him, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should the goods appropriated be of significant value, the punishment shall be the deprivation of freedom for a period of from two to five years, a fine of three hundred to one thousand quotas, or both.

3. Should the crime be committed by the driver of a load truck vehicle or by the individual liable for the transport of goods, the punishment shall be:

a) the deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both for the case of paragraph 1;

b) the deprivation of freedom for a period of from four to ten years for the case of paragraph 2.

4. Whenever the appropriated goods are personal property, the case shall solely proceed upon the denunciation of the individual. Should in this event the denouncer expressly withdraw its denunciation before the trial, the case shall be archived.

## THIRD SECTION

### **Embezzlement**

ARTICLE 336. Whosoever, due to his office, is in charge of the management, care or availability of goods of socialist, state or cooperative property; or of agencies of political, mass or social organizations; or goods of personal property to the care of a state economy body, appropriates them or consents to another individual appropriating them, shall be subject to a punishment of deprivation of freedom for a period of from two to five years.

2. Should the appropriated goods be of significant value, the punishment shall be of deprivation of freedom for the period of from eight to twenty years.

3. Should the appropriated goods be of limited value and the provisions with reference to material liability not apply, the punishment shall be the deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

4. Should this crime be committed, it may further be imposed, as an incidental sanction, the forfeiture of property.

ARTICLE 337. Whosoever authorizes or orders the payment of wages, diets or other emoluments that do not correspond to pay because the service was not rendered, or pays them in greater amounts than what was established, shall be subject to a punishment of deprivation of freedom for a period of from six months to two years, or a fine of two hundred to five hundred quotas.

## CHAPTER X

### CONCEALMENT (OF STOLEN GOODS)

ARTICLE 338. 1. Whoever, without having participated in any crime whatsoever, conceals to his own interest, changes or acquires goods that due to the individual submitting them, or the occasion or circumstances of the transfer, show or cause to rationally assume they come from a crime, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. The same punishment as above shall be imposed on any individual intervening in any manner whatsoever in the transfer of said goods.

3. Should the culprit habitually perform the acts described in the preceding paragraphs, the punishment shall be the deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both.

## CHAPTER XI

### DAMAGE

ARTICLE 339. He who destroys, deteriorates or renders useless a property pertaining to another individual, shall be punished by deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

2. Should the damaged object be of significant value or due to the act there be serious damage, the punishment shall be the deprivation of freedom for a period of from one to three years, a fine of three hundred to one thousand quotas, or both.

3. Should the damage caused be of limited value, the punishment shall be the deprivation of freedom for a period of from one to three months, a fine of up to one hundred quotas, or both.

4. Only if does the victim denounce the offence, the case shall proceed for the acts provided for under paragraphs 1 and 3. Nonetheless, should the victim expressly

withdraw his denunciation in writing or orally before the lawsuit, and certify it by means of an act during its performance, the case shall be archived.

ARTICLE 340. Whosoever, without justified cause, destroys, deteriorates or renders useless his own goods with evident value for the community, shall be subject to a punishment of deprivation of freedom for a period of from three months to one year, a fine of one hundred to three hundred quotas, or both.

## CHAPTER XII

### SUPPLEMENTARY PROVISIONS

ARTICLE 341. 1. Pursuant to this Code, the exemption of liability shall apply to, and shall solely be subject to civil liability for thefts, frauds, undue appropriations or damages they mutually cause to each other:

a) the spouses, ascendants, descendants or related individuals along the same line;

b) the siblings and siblings-in-law

2. The exemption of liability set forth in this article shall not be applied to the foreigners participating in the crime.

ARTICLE 342.1. For the purposes of what has been stipulated under this Title, inhabited house shall be the house serving as permanent or temporary dwelling, together with the closed premises forming part of it, its spaces, terraces, yards and fenced gardens next to it or with access to its interior.

2. Notwithstanding what has been stipulated in articles 323, 329 and 339.3, whenever the amount of what has been stolen or damaged is of reduced value, the acting authority shall be entitled, instead of remitting the case to the court, to impose the culprit an administrative fine amounting to three times the value of what has been stolen or damaged, regardless of the restitution of the object or the material repair as per the cases may be. The acting individual may, in exceptional cases, diminish or increase up to half or double as much correspondingly, the amount of the fine. Should the culprit fulfill the payment, the case shall be deemed concluded, and the fact, for penal purposes, shall not be deemed criminal. Nonetheless, the acting party shall remit the case to the corresponding authority so that he ascertains with regard to them, whenever the alleged culprit does not pay the fine or has been administratively or criminally punished in accordance with the regulations set forth hereinbefore. The provisions set forth in this paragraph shall further be applicable to the cases provided for under paragraphs 1 and 2 of article 338, whenever the personal conditions of the offender so require.



3. The Ministry of Interior, the General Prosecutor of the Republic and the Government Council of the People's Supreme Court shall rule, insofar as it concerns them, the application of what has been provided for under the preceding paragraph.

4. The Government Council of the People's Supreme Court shall determine, in each case, the scope or quantity corresponding to the terms significant, limited and of reduced value, used in this Code.

## **FINAL PROVISIONS**

FIRST: Articles 8 and 9 of the Law of Criminal Proceeding are modified, and they shall be written as follows:

“**Article 8.** The People's Municipal Courts shall have jurisdiction to ascertain the indexes of pre criminal danger and of the crimes committed in their corresponding territories, punishable by the deprivation of freedom not exceeding one year, a fine not exceeding three hundred quotas, or both.”

“**Article 9.** The People's Provincial Courts shall have jurisdiction to ascertain the processes arising from the criminal acts committed in their territory, punishable by fine higher than three hundred quotas, deprivation of freedom for a period higher than one year, death, or that may attack, whatever their punishment, against the State security.

The venue of the corresponding Divisions of those courts shall extend to the territory determined by the People's Supreme Court En Banc, in the event this Body makes use of the power granted by article 34 of the Law of Organization of the Judicial System.”

SECOND: There shall be repealed as they are in full force and effect upon passing this law: The Penal Code Law N°. 21 of 15 February 1879; Decree-Law N° 28 of 27 October 1979; the Postal Code passed by Order number 115 of 21 July 1899 of the intervening American government; as any other provision opposing to what is established in this Law.

THIRD: This Law shall become effective as of 30 April 1988.

GRANTED in the session hall of the National Assembly of the People's Power of the City of La Habana, on this twenty ninth day of December of the year one thousand nine hundred eighty seven.

**Severo Aguirre del Cristo**