

Legislative Decree 4/2003 of 18 November 2003

PENAL CODE

(□)

VOLUME I

GENERAL PROVISIONS

TITLE I

GUARANTEES AND APPLICATION OF PENAL LAW

Article 1

(Principle of legality)

1. No deed, whether an act of commission or of omission, may be deemed a crime unless a prior law has established that the deed in question constitutes a crime.
2. A security measure may be applied only with respect to states of danger whose defining criteria have been established previously.
3. Penalties and security measures may be determined in accordance with the law in force at the time a deed is committed or the defining criteria justifying such penalties or security measures have been fulfilled.
4. It shall not be permissible to use analogy in order to characterize a deed as a crime, to define a state of danger or to assess a corresponding penalty or security measure.

Article 2

(Application of the most favourable regime)

1. If the penal provisions in force at the time of the commission of a deed differ from the penal provisions established in subsequent laws, the regime that is more favourable to the perpetrator shall be the regime applied.
2. A deed committed during the effective period of a temporary law shall be judged in accordance with that law, barring a legal provision to the contrary.

Article 3

(Physical sphere of application: general principle)

Except as otherwise provided by international agreement, Cape Verdean penal law shall apply to deeds committed within Cape Verdean territory or aboard vessels or aircraft that are registered in Cape Verde or fly the Cape Verdean flag, irrespective of the nationality of the perpetrator.

Article 4

(Deeds committed outside Cape Verdean territory)

1. Except as otherwise provided by international agreement, Cape Verdean penal law shall apply to deeds committed outside Cape Verdean territory in the following cases:
 - (a) if the deeds constitute the crimes referred to in Articles 244 to 263 and 307 to 328;
 - (b) if the deeds constitute the crimes referred to in Article 138, paragraphs 2 and 3, or in Articles 268 to 279, if the perpetrator is found in Cape Verde and cannot be extradited;
 - (c) if the deeds are committed against Cape Verdeans, provided that the perpetrator is customarily resident in Cape Verde and is found in Cape Verde;
 - (d) if the deeds are committed by Cape Verdeans, or by foreign nationals against Cape Verdeans, provided that the perpetrator is found in Cape Verde, that the deeds are also punishable under the legislation of the place where they were committed, and that they constitute a crime for which the law permits extradition but for which extradition cannot be granted;
 - (e) if it is a case of crimes which are the responsibility of the Cape Verdean State to try pursuant to an international agreement.
2. The provisions of the preceding paragraph shall apply only if the perpetrator has not been tried in the country in which the deed was committed or, if convicted in that country, has avoided fulfilling any penalty imposed.
3. Wherever Cape Verdean law applies pursuant to this article, the deed shall be tried in accordance with the law of the country in which the deed was committed if that regime is more favourable to the perpetrator. Any penalty shall be converted to the corresponding penalty under the Cape Verdean system or, if there is no direct correspondence, to such penalty as Cape Verdean law may provide for the deed.

Article 5

(Place where the deed is committed)

The deed shall be deemed to have been committed at the place where the perpetrator acted, in whole or in part, and in any form of co-participation, or, in the case of an act of omission, at the place where the perpetrator should have acted, as well as at the place where the typical result came about, or where some other non-typical result is identified that the legislator sought to prevent.

Article 6

(Time when the deed is committed)

The deed shall be deemed to have been committed at the time when the perpetrator acted or, in the case of an act of omission, at the time when the perpetrator should have acted, irrespective of the time at which the typical result was identified.

Article 7

(Subsidiary application)

The provisions of this Code shall apply with respect to deeds that are punishable under specific laws, barring a provision to the contrary.

TITLE II PUNISHABLE DEEDS CHAPTER I

DEFINING CRITERIA OF PUNISHMENT

Article 8

(Deeds of commission and of omission)

1. When a standard type of criminal offence involves a certain result, the offence may be committed by means of either an act of commission or an act of omission, unless the intent of the law is otherwise.
2. The commission of an act of omission shall be punishable only if the party committing the act has a legal duty specifically requiring it to prevent the typical result from coming about.

Article 9

(Responsibility of legal entities)

1. Companies and other legal entities under private law shall be responsible for criminal offences committed by their organs or representatives in their name and in pursuance of their interests, unless the perpetrator is acting contrary to orders or instructions received from the legal entity in question.
2. In the case of an entity which has not been incorporated and does not possess its own independent legal status, any monetary penalties shall be imposed against the entity's net worth or, should it have no net worth or have insufficient net worth, against the net worth of each partner in it.

Article 10

(Activity on behalf of another party)

When a person acts as a senior executive of a legal person or *de facto* association, or as the representative of another party, the fact that the conditions, characteristics or relationships cited in the standard definition of a particular offence do not pertain to him personally but rather to the person on whose behalf he is acting do not mean that he is not punishable.

Article 11

(Subjective attribution)

Only a deed committed with wrongful intent or, in those cases expressly provided for in law, with negligence, shall be punishable.

Article 12

(Aggravation according to the result)

When the penalty applicable to a deed is aggravated on the basis of the result, such aggravation shall be subject to the extent to which the result can be attributed to negligence.

Article 13

(Wrongful intent)

1. Anyone who carries out a deed that corresponds to the description of a standard type of crime and does so with the intention of carrying it out shall be deemed to be acting with wrongful intent.
2. Anyone who carries out a deed that corresponds to the description of a standard type of crime, such deed being a necessary consequence of his actions, shall be deemed to be acting with wrongful intent.
3. When a deed that corresponds to the description of a standard type of crime is carried out as a possible consequence of the perpetrator's actions, wrongful intent shall be deemed to exist if the perpetrator's actions were consistent with the carrying out of that deed.

Article 14

(Negligence)

Anyone who

- (a) would be in a position to carry out a deed that corresponds to the description of a standard type of crime and acts in a manner inconsistent therewith, or
 - (b) does not even reach the point of being in a position to carry out the deed
- acts with negligence if he fails to proceed with the care required of him in the circumstances.

Article 15

(Error as to *de facto* circumstances)

1. An error with respect to descriptive or regulatory elements of a standard type of crime, or with respect to the *de facto* defining criteria of the grounds justifying the deed rules out wrongful intent.
2. An error with respect to a *de facto* element that characterizes an offence or with respect to an aggravating circumstance has the effect of rendering such characterization or circumstance irrelevant.
3. Where the requirements indicated in the preceding article are met, the possibility of punishment for negligence still exists.

Article 16

(Error with respect to unlawfulness)

1. Anyone who acts without being aware of the unlawfulness of the deed shall not be culpable provided that the error does not merit condemnation.
2. If the error act does merit condemnation, the penalty may be freely lessened.

Article 17

(Absence of responsibility by reason of age)

Only a person who has reached the age of 16 years may be considered criminally responsible.

Article 18

(Absence of responsibility by reason of psychological abnormality)

1. No one may be considered responsible who, at the time of committing a deed, was incapable of assessing the unlawfulness of the deed, or of conducting himself accordingly, by reason of a psychological abnormality.
2. The provisions of the preceding paragraph shall apply in those cases where a person is wholly intoxicated as a result of having consumed alcoholic beverages, narcotics, psychotropic or toxic substances, or other substances producing similar effects.
3. The possibility of being considered responsible shall not be ruled out if the psychological abnormality or the situation described in the preceding paragraph was brought about by the perpetrator with the intention of committing the deed, or if the carrying out of the deed was or ought to have been foreseen by the perpetrator.

CHAPTER II

CHARACTERISTICS OF A PUNISHABLE DEED

Article 19

(Concept of preparatory acts)

Preparatory acts are external acts that may facilitate or prepare for the execution of a punishable deed, but which do not constitute the commencement of execution as described in Article 21.

Article 20

(Punishability of preparatory acts)

1. Unless otherwise provided by law, preparatory acts shall not be punishable.
2. In those exceptional cases where they are punishable, the applicable penalty shall be of a duration of not less than the minimum legal period and not more than three years; and accordingly no penalty may be imposed that exceeds one third of the maximum legal penalty prescribed for the crime for which preparations were being made.

Article 21

(Attempted offence)

1. There is an attempted offence when the perpetrator, with wrongful intent, carries out acts for the execution of an offence without that offence being completed.
2. The following are acts for the execution of an offence:
 - (a) those that correspond in one or more elements to the description of the standard type of crime;
 - (b) those that are appropriate for producing the typical result;
 - (c) those that, according to common experience and except in unforeseeable circumstances, are of such a nature as to create the expectation that they will be followed by acts of the kinds indicated in the preceding subparagraphs.

Article 22

(Punishability of an attempted offence)

1. Barring a legal provision to the contrary, an attempted offence shall be punishable only if the crime, had it been completed, would have carried a penalty of more than three years' imprisonment.
2. Inasmuch as the attempted offence is punishable, the penalty may be freely lessened, although it may not be less than one half the minimum period established for the crime, had it been completed, or the minimum legal period, unless otherwise provided under the law.

Article 23

(Inappropriateness of means and absence of purpose)

An attempted offence shall not be punishable if it is plain that the means employed by the perpetrator were inappropriate or if there was no essential purpose in completing the offence.

Article 24

(Cessation and active repentance)

1. Any perpetrator who of his own will ceases to pursue the carrying out of an offence or prevents its completion, or, having completed it, prevents the result that the law seeks to avoid from effectively coming about, shall be exempt from penalty.
2. The same regime set forth in the preceding paragraph shall apply if the completion of the offence or effective coming about of its result is thwarted by some circumstance independent of the perpetrator's conduct, if he makes a genuine effort to prevent the completion of such offence or the effective coming about of its result.
3. In the case of co-participation, anyone who of his own will prevents the completion of an offence or the effective coming about of its result, or who makes a genuine effort to prevent the completion of such offence or the effective coming about of its result shall likewise be exempt from penalty even if other co-participants have continued to pursue the carrying out of the offence or have completed it.
4. The provisions of the preceding paragraphs shall likewise be applicable to preparatory acts if they are punishable pursuant to the first half of paragraph 1 of Article 20.

Article 25

(Authorship)

The author of a deed is anyone who carries out the deed, whether directly himself or through someone else used as his agent, or who participates directly in the carrying out of the deed, or assists the carrying out of the deed by performing an act without which the deed would not have been accomplished.

Article 26

(Provocation)

Anyone who, directly and with wrongful intent, causes someone else to perform a deed shall be punished as an author of that deed provided that the deed has begun to be carried out.

Article 27

(Complicity)

1. Anyone who, with wrongful intent and in circumstances not covered in the preceding articles, provides material or moral support, with acts carried out prior to or simultaneous with the carrying out of a wrongful deed by someone else, is an accomplice.
2. An accomplice shall be subject to the same penalties as an author, and they may be freely lessened in accordance with the terms and limits applicable to an attempted offence.

Article 28

(Unlawfulness in co-participation)

1. The special characteristics, circumstances and relationships of the perpetrator used to define the unlawfulness or degree of unlawfulness of the deed shall be communicated to the other co-participants for purposes of determining the penalty applicable to them, provided that they were aware of such characteristics, circumstances or relationships, except in cases where the law intends otherwise or some other situation exists by reason of the inherent nature of the offence.
2. The communication referred to in the preceding paragraph shall not apply with respect to an accomplice, for an author or for anyone punished in the same way as an author.
3. The rule established in paragraph 1 shall not apply if the law determines that a deed which in principle is characterized as an offence of another sort is instead to be considered a crime by reason of certain special relations, circumstances, or characteristics of the perpetrator.

Article 29

(Culpability in co-participation)

Each co-participant shall be punished according to his own culpability, irrespective of the punishment or degree of culpability of other co-participants.

Article 30

(Concurrence of crimes)

1. Concurrence exists when the perpetrator, having committed a crime, commits a second crime before being convicted for the first crime pursuant to a court judgement.
2. The number of crimes shall be determined by the number of standard types of crime actually committed, or by the number of times the same standard type of crime was committed through the perpetrator's conduct.

Article 31

(Punishment of a concurrence of crimes)

1. In the event of a concurrence of crimes, the perpetrator shall be convicted and given a single penalty, for which the minimum shall be the highest penalty specifically applied to each of the crimes and the maximum shall be the sum of the penalties specifically applied to each of the crimes committed, although in no case may the maximum be greater than 25 years' imprisonment or 800 days' fine.
2. If, after a court conviction has been handed down but before the corresponding penalty has been fulfilled, prescribed or extinguished, it is proven that the perpetrator, prior to being convicted, committed another crime or crimes, the rules of the preceding paragraph shall apply.
3. Accessory penalties and security measures shall always be imposed, even if they are established in only one of the applicable laws.

Article 32

(Concurrence of legal provisions)

1. If a deed can be characterized as a crime, in whole or in part, pursuant to more than one legal provision, and if the situation covered in the preceding articles does not apply, punishment for that deed shall be imposed according to the following rules:
 - (a) a specific provision shall be applied with precedence over a general provision;
 - (b) a subsidiary provision shall only be applied in a situation where the principal provision does not apply;
 - (c) the broader and more complex provision shall subsume the provisions and punishment applicable to the offence.
2. If the rules set forth in the preceding paragraph do not apply, the provision that establishes the more severe penalty shall apply.

Article 33

(Crime and countermand)

If the same deed constitutes crime and countermand simultaneously, the perpetrator shall be punished on the basis of the crime, without prejudice to any accessory penalties established for the countermand.

Article 34

(Ongoing crime)

1. If the same or different standard types of crime are repeatedly committed with respect fundamentally to the same legal asset, and are carried out in an essentially homogeneous manner and within a framework of the same external causal circumstances that significantly lessens the perpetrator's culpability, they shall constitute a single crime.
2. The preceding paragraph shall not apply to offences with respect to legal assets of an eminently personal nature, except in the case of those offences that constitute offences against sexual freedom and honour, in which case, taking into account the nature of the deed and the provision violated, a decision shall be made as to whether or not an ongoing crime is involved.
3. An ongoing crime shall be punishable by the penalty applicable to the most serious form of conduct making up the ongoing crime.

(...)

VOLUME II
SPECIFIC PROVISIONS
TITLE I
CRIMES AGAINST PERSONS
CHAPTER I
CRIMES AGAINST A PERSON'S LIFE
SECTION I
HOMICIDE

Article 122

(Simple homicide)

A penalty of 10 to 16 years' imprisonment shall be imposed as punishment upon anyone who kills another person.

Article 123

(Aggravated homicide, by reason of means or motive)

If the homicide is committed

- (a) using poison, torture, asphyxiation, fire, explosives or any other insidious means, or in any way that transforms the crime into a crime of public imperilment, or using any other act of cruelty to increase the victim's suffering,
 - (b) by stealth or treachery, or by any other means that makes it difficult or impossible for the victim to defend himself,
 - (c) for thrill-seeking, for the joy of killing, for the arousal or satisfaction of sexual instincts, for payment or recompense or the promise thereof, or for any other trivial or vile motive,
 - (d) for the purpose of preparing, carrying out or concealing another crime, or facilitating the flight of the perpetrator of a crime or ensuring that the perpetrator of a crime is not punished, or
 - (e) out of racial, religious or political hatred,
- the penalty shall be 15 to 25 years' imprisonment.

Article 124

(Aggravated homicide, by reason of the characteristics of the victim)

The penalty shall be 15 to 25 years' imprisonment if the circumstances of the case show a high degree of unlawfulness in the deed or the culpability of the perpetrator, and if the victim possesses the following characteristics:

- (a) if the victim is a forebear or descendant of the perpetrator;
- (b) if the victim is less than 14 years of age or is a particularly vulnerable person by reason of age, illness, or physical or psychological disability;
- (c) if the victim is a member of a body of sovereign authority or other political body established under the Constitution, a member of a local government body, a magistrate, a lawyer, a justice

official, a civil servant or any other person holding a government post, provided that the homicide occurred in the course of or by reason of the victim's duties;

(d) a witness, expert, onlooker, or injured person, where the crime was committed for the purpose of preventing the hearing of testimony, the presentation of evidence or the filing of a complaint, or by reason of the victim's participation in the proceeding.

Article 125

(Homicide at the request of the victim)

A penalty of six months' to four years' imprisonment shall be imposed as punishment upon anyone who kills another person at the express, serious and insistent request of that other person.

Article 126

(Negligent homicide)

1. A penalty of up to three years' imprisonment or of 100 to 300 days' fine shall be imposed as punishment upon anyone who kills another person by reason of negligence.

2. If the death is caused by gross negligence, the penalty shall be of one year's to five years' imprisonment.

SECTION II SUICIDE

Article 127

(Provocation or assistance for suicide)

1. A penalty of up to three years' imprisonment shall be imposed as punishment upon anyone who, with wrongful intent, leads another person to commit suicide, irrespective of whether the suicide is attempted or achieved.

2. In the case of merely providing assistance to the victim, the penalty shall be up to two years' imprisonment provided that it is confirmed that a suicide was attempted or achieved.

3. The minimum and maximum penalties indicated in the preceding paragraphs shall be increased by one half if the victim was of substantially reduced mental capacity by reason of age or psychological abnormality, or for any other reason.

CHAPTER III CRIMES AGAINST THE PHYSICAL OR PSYCHOLOGICAL INTEGRITY OF A PERSON

Article 128

(Simple offence against the integrity of another person)

A penalty of up to three years' imprisonment or of 80 to 200 days' fine shall be imposed as punishment upon anyone who commits an offence against the body or the health of another person.

Article 129

(Qualified offence against the integrity of another person)

1. A penalty of three to eight years' imprisonment shall be imposed as punishment upon anyone who commits an offence against the body or the health of another person in such a way as to bring about a serious, permanent disfigurement, or a lasting impairment of the person's physical or psychological health, or of one of the five senses, or of a limb, or in such a way as to have a permanent impact on the person's intellectual capacity, reproductive capacity, or ability to use language, or in such a way as to render the person unable to work for more than two months, or to leave the person in severe pain, or to imperil the person's life.

2. The penalty shall be four to 10 years' imprisonment if the offence gives rise to an incurable physical or psychological disease, permanent inability to work, loss of one of the five senses, loss of an organ or a limb, or loss of the capacity to procreate or to use language.

Article 130

(Aggravation)

The minimum and maximum penalties indicated in the two preceding articles shall be increased by one third if any of the circumstances described in Articles 124 and 125 are found to exist, provided that, in the latter case, the condition mentioned in the second half of the article is also fulfilled.

Article 131

(Offence against the integrity of another person by reason of negligence)

1. A penalty of up to one year's imprisonment or of up to 100 days' fine shall be imposed as punishment upon anyone who, by reason of negligence, commits an offence against the body or the health of another person.
2. If the deed constitutes a serious offence against the integrity of the other person, the penalty imposed as punishment upon the perpetrator shall be up to two years' imprisonment or of 60 to 150 days' fine.
3. The court may exempt the perpetrator from the penalty if the offence results in pain or inability to work for not more than three days.

Article 132

(Abuse of weapons)

1. A penalty of six months' to three years' imprisonment shall be imposed as punishment upon anyone who discharges a firearm against another person, even if such action causes no injury, unless some more severe penalty applies pursuant to some other legal provision.
2. If the attack is carried out with another kind of weapon, the penalty shall be up to one year's imprisonment.

(...)

CHAPTER IV

CRIMES AGAINST THE LIBERTY OF A PERSON

SECTION I

THREATS, COERCION AND ABDUCTION

Article 136

(Threats)

1. A penalty of six to 18 months' imprisonment or of 80 to 200 days' fine shall be imposed as punishment upon anyone who threatens another person orally, in writing, through pictures or in any other way, with a crime against persons or property having some considerable value, in a manner sufficient to cause the person to be afraid or concerned or to constrain his freedom of action.
2. The penalty imposed as punishment for a death threat shall be six months' to three years' imprisonment.

Article 137

(Coercion)

1. A penalty of six months' to three years' imprisonment shall be imposed as punishment upon anyone who, by violent means, threatens another person with significant harm or with a revelation against the person's honour or integrity for the purpose of coercing that person to perform an act of commission or of omission or to support an action, unless some more severe penalty applies pursuant to some other legal provision.
2. The penalty shall be two to five years' imprisonment if the coercion consists of a threat to carry out a crime, or in the case of a civil servant acting in severe breach of trust and authority, or if the victim attempts to commit suicide or succeeds in doing so.

Article 138

(Abduction)

1. A penalty of six months' to three years' imprisonment shall be imposed as punishment upon anyone who unlawfully abducts a person, or detains him or holds him captive in such a way as to deprive him of his liberty.
2. If the deed described in paragraph 1 was committed by means of violence or a threat, with the intention of
 - (a) facilitating the flight of the author of or accomplice in a crime, or ensuring that such author or accomplice is not punished, or obtaining the execution of an order or of a conditional provision,
 - (b) obtaining a ransom or other payment,
 - (c) coercing a national government, an international organization, a company or other legal entity, an individual or the public authorities to perform an act of commission or of omission, or to support an action,the penalty shall be three to eight years' imprisonment.

3. The minimum and maximum penalties referred to in the preceding paragraphs shall be increased by one third if the following circumstances apply with respect to the depriving of the person of his liberty:

- (a) if it results in a serious offence against the integrity of the victim's person, in the lasting illness of the victim or in the suicide of the victim as a consequence of the deed, of the conditions in which the victim is held or of the withholding of care by the perpetrator;
- (b) if it lasts for more than five days;
- (c) if it is preceded or accompanied by torture or other cruel, degrading or inhuman treatment;
- (d) if it is committed against a person referred to in subparagraph (b) or (c) of Article 124;
- (e) if, in carrying out the deed, the perpetrator impersonates a public official, or acts in gross abuse of the authority inherent in the holding of a government post;
- (f) if it is carried out by an organized gang.

Article 139

(Free lessening of penalties)

Without prejudice to the provisions of Article 24, the court may freely lessen the penalty if the perpetrator of the punishable deed, such as abduction, renounces his objective and sets the victim free or releases him at a safe place or makes a serious effort to do so, without committing any other crime.

(...)

CHAPTER V

ENDANGERMENT OF PERSONS

SECTION I

ENDANGERMENT OF AN INDIVIDUAL

Article 153

(Exposure of a person to danger)

A penalty of six months' to three years' imprisonment or of 80 to 200 days' fine shall be imposed as punishment upon anyone who places another person in immediate danger of his life, or exposes another person to such danger, using particularly perilous or insidious means, unless some more severe penalty applies pursuant to some other legal provision.

(...)

TITLE IV

CRIMES AGAINST THE INTERNATIONAL COMMUNITY

Article 265

(Attack upon a foreign entity)

1. A penalty of two to eight years' imprisonment shall be imposed as punishment upon anyone who makes an attack upon the life, the physical integrity or the liberty of a head of state, head of government or foreign minister on official business in Cape Verde, or a representative or official of a foreign government or of an international organization who, at the time of the crime, enjoys special protection under international law, unless some more severe penalty applies pursuant to some other legal provision.

2. The provisions of the preceding paragraph shall also apply if such deeds are committed against the members of the families of such individuals who travel or live with them, as the case may be.

3. For purposes of the provisions of this article, an attack shall be deemed to mean either an attempted attack or an attack actually carried through to completion.

Article 266

(Insults to foreign symbols)

A penalty of up to one year's imprisonment or of up to 100 days' fine shall be imposed as punishment upon anyone who, publicly, by words, gestures, writings, images or sound, or by any other means of communication to the general public, insults the official flag or other symbol of a foreign state or territory, provided that such deed would be considered a crime in that state or territory.

Article 267

(Incitement to war or genocide)

1. A penalty of two to six years' imprisonment shall be imposed as punishment upon anyone who publicly, repeatedly, by any means, incites hatred against a people or an ethnic, racial or religious group, with the intent of destroying that people or that group in whole or in part, or starting a war.

2. The same penalty shall be imposed upon anyone who recruits members of the Cape Verdean armed forces to participate in a war against a foreign state or territory or to bring down the legitimate government of another state or territory by violent means.

**Article 268
(Genocide)**

A penalty of 15 to 25 years' imprisonment shall be imposed as punishment upon anyone who, as part of the execution of a concerted plan, and with the intention of destroying, in whole or in part, a national, ethnic, racial, religious or other group identified on the basis of some arbitrary criterion, carries out any of the following acts with respect to members of that group:

- (a) homicide or a serious offence against a person's physical or psychological integrity;
- (b) deportation, enslavement, or abduction followed by disappearance;
- (c) the systematic, thoroughgoing practice of torture or cruel, degrading or inhuman treatment likely to lead to the partial or total destruction of the group;
- (d) measures to prevent reproduction or births;
- (e) the forcible transfer of children from one group to another.

Article 269

(Recruitment of mercenaries)

1. A penalty of one year's to five years' imprisonment shall be imposed as punishment upon anyone who recruits mercenaries for any Cape Verdean or foreign organization or armed group, whose purpose is to bring down the legitimate government of another state, or to attack its sovereignty, independence or territorial integrity, by violent means.

2. A mercenary is a person defined as such under international law.

Article 270

(Organization supporting racial discrimination)

1. A penalty of three to eight years' imprisonment shall be imposed as punishment upon anyone who founds or leads an organization that carries out activities inciting acts of racial discrimination, hatred or violence.

2. A penalty of one year's to six years' imprisonment shall be imposed as punishment upon anyone who is a member of an organization referred to in the preceding paragraph or who, in organized fashion, carries out the activities described in that paragraph or participates in such activities, or who supports such activities, in particular, by contributing to their financing.

3. The same penalty indicated in paragraph 2 shall also be imposed upon anyone who, at a public meeting, or by any means of communication to the general public, provokes acts of violence or defames or insults any individual or group of individuals by reason of their race or ethnic origin, with the intent of provoking acts of racial discrimination, hatred or violence, unless some more severe penalty applies pursuant to some other legal provision.

4. If the perpetrator uses violent means in carrying out the deeds described in paragraphs 1 and 2, the minimum and maximum penalties shall be increased by one third, unless some more severe penalty applies pursuant to some other legal provision.

Article 271

(Slavery)

A penalty of six to 12 years' imprisonment shall be imposed as punishment upon anyone who reduces another person to the state or condition of a slave, or who sells, transfers or buys another person, or who possesses another person with the intent of keeping that person in a state of slavery.

Article 272

(Crimes against persons subject to protection in a situation of armed conflict)

A penalty of 10 to 20 years' imprisonment shall be imposed as punishment upon anyone who, in violation of the provisions of international law, in a situation of armed conflict, carries out against any person subject to protection

- (a) homicide or a serious offence against the person's physical or psychological integrity,
 - (b) torture or any other cruel, degrading or inhuman treatment, including biological experiments,
 - (c) sexual assault,
 - (d) deportation, enslavement, or kidnapping or abduction,
 - (e) forced conscription into enemy armed forces,
 - (f) the confiscation or destruction of valuable assets,
- unless some more severe penalty applies pursuant to some other legal provision.

Article 273

(Prohibited means of combat)

A penalty of 10 to 15 years' imprisonment shall be imposed as punishment upon anyone who, in a situation of armed conflict, uses or orders the use of means or methods of combat that are prohibited or that are intended to cause unnecessary suffering or that are designed to cause serious, extensive and lasting damage to the environment, endangering the health or survival of large numbers of people.

Article 274

(Reprisals and threats of violence against the civilian population)

A penalty of eight to 15 years' imprisonment shall be imposed as punishment upon anyone who, in a situation of armed conflict or occupation, carries out or orders the carrying out of indiscriminate or excessive attacks, or the subjection of the civilian population to attacks, reprisals, acts, or threats of violence, with the aim of sowing terror, unless some more severe penalty applies pursuant to some other legal provision.

Article 275

(Destruction of civilian vessels or aircraft)

A penalty of eight to 15 years' imprisonment shall be imposed as punishment upon anyone who, in time of war or armed conflict, in violation of the applicable provisions of international law, destroys or seriously damages any civilian vessel or aircraft belonging to an enemy or neutral power unnecessarily and without allowing time or taking the necessary steps to ensure the safety of individuals and security of documentation on board, unless some more severe penalty applies pursuant to some other legal provision.

Article 276

(Destruction of monuments, holy places, and health facilities)

1. A penalty of three to eight years' imprisonment shall be imposed as punishment upon anyone who, in time of war, armed conflict or occupation, in violation of the applicable provisions of international law, destroys or seriously damages cultural, historical or scientific assets or monuments, or holy places, which constitute people's cultural or spiritual heritage, without such destruction or damage being necessary in military terms.
2. The same penalty shall be imposed upon anyone who, in identical circumstances, destroys or seriously damages health or humanitarian facilities.

Article 277

(Destruction of civilian targets)

1. A penalty of two to six years' imprisonment shall be imposed as punishment upon anyone who, in time of war or armed conflict, attacks civilian assets or targets and destroys them or renders them unusable in a situation where such an operation does not offer a definite military advantage and such civilian assets or targets do not make an effective contribution to the enemy's military action.
2. The same penalty shall be imposed on anyone who, in the same circumstances, destroys, renders unusable or confiscates assets essential to the survival of the civilian population, provided that such assets are not being used by the enemy in direct support of military actions or as subsistence for members of the enemy's armed forces.

Article 278

(Other crimes against the international community)

A penalty of one year's to three years' imprisonment shall be imposed as punishment upon anyone who, in time of war, armed conflict or occupation, carries out or orders the carrying out of any

other act that constitutes a breach or violation of the provisions contained in international agreements by which Cape Verde is bound, relating to the conduct of hostilities, the protection of the injured, ailing and shipwrecked, the treatment of prisoners of war, and the protection of civilians in the event of war, armed conflict or occupation.

(...)

TITLE VI
CRIMES AGAINST PUBLIC ORDER AND PUBLIC SAFETY
CHAPTER I
CRIMES AGAINST PUBLIC ORDER AND PEACE

(...)

Article 288

(Public provocation to commit a crime)

1. A penalty of up to three years' imprisonment or of 80 to 200 days' fine shall be imposed as punishment upon anyone who, publicly, or by any means of communication to the general public, provokes the commission of a specific crime against a person or an institution, unless some more severe penalty applies pursuant to some other legal provision.
2. In no case may the penalty be greater than the penalty applicable to the crime being incited.

Article 289

(Public praise or payment for a crime)

1. A penalty of up to one year's imprisonment or of up to 100 days' fine shall be imposed as punishment upon anyone who, publicly, or by any means of communication to the general public, praises or pays someone else for having committed a crime in such a way as effectively to create the danger that another similar crime will be carried out, unless some more severe penalty applies pursuant to some other legal provision.
2. The same provision set forth in paragraph 2 of the preceding article shall apply in this case.

Article 290

(Public intimidation)

A penalty of up to two years' imprisonment or of up to 150 days' fine shall be imposed as punishment upon anyone who causes alarm or upset among the people by issuing warning signs or expressing warnings, or threatening to commit a crime of public imperilment, or engaging in any other activity likely to have the same effect, or letting it be known that a crime will be committed.

Article 291

(Criminal organizations)

1. A penalty of two to six years' imprisonment shall be imposed as punishment upon anyone who establishes an organization or group whose purpose is to commit crimes.
2. A penalty of two to eight years' imprisonment shall be imposed as punishment upon anyone who leads or directs a criminal organization or group.
3. A penalty of one year's to five years' imprisonment shall be imposed as punishment upon anyone who joins a criminal organization or group and becomes a member of it.
4. A penalty of one year's to four years' imprisonment shall be imposed as punishment upon anyone who supports or cooperates with a criminal organization or group, unless the provisions of this Code establish a more severe penalty with respect to the carrying out of punishable deeds arising from the activity of that organization or group.
5. Without prejudice to the provisions of Article 24, the court may freely lessen a penalty or waive a penalty altogether for a perpetrator who has prevented or seriously endeavoured to prevent the continued existence of a criminal organization or group, or informed the competent authorities of its existence so that they might prevent the carrying out of unlawful deeds.

Article 292

(Riot)

1. A penalty of six months' to two years' imprisonment or of 60 to 150 days' fine shall be imposed as punishment upon anyone who, acting in a group with the aim of disrupting the public peace, takes part in acts of violence against individuals or property, or in acts to obstruct public

thoroughfares or access to them, or in acts to occupy buildings or premises, unless some more severe penalty applies pursuant to some other legal provision.

2. In the case of a perpetrator who directed or began the riot, the penalty shall be of six months' to three years' imprisonment or of 80 to 200 days' fine.

3. The minimum and maximum penalties shall be increased by one third if during the riot firearms were used or it was threatened that they would be used.

(□)

CHAPTER II CRIMES AGAINST PUBLIC SECURITY

Article 294

(Prohibited weapons and explosives)

1. A penalty of six months' to three years' imprisonment or of 80 to 200 days' fine shall be imposed as punishment upon anyone who possesses prohibited weapons or weapons that have been substantially modified from the standard manufacturing characteristics of regulated weapons.

2. A penalty of one year's to four years' imprisonment shall be imposed as punishment upon anyone who possesses any explosive, inflammable, incendiary, toxic or asphyxiating substance or device other than in accordance with legal provisions, or in violation of the regulations established by the competent authority.

3. A penalty of two to six years' imprisonment shall be imposed as punishment upon anyone who manufactures, sells, transports, possesses or establishes stockpiles of weapons or munitions of war.

4. A penalty of one year's to five years' imprisonment shall be imposed as punishment upon anyone who manufactures, sells, transports or establishes stockpiles of the substances or devices referred to in paragraph 2 of this article other than in accordance with legal provisions, or in violation of the regulations established by the competent authority.

Article 295

(Other weapons)

1. A penalty of up to two years' imprisonment or of 60 to 150 days' fine shall be imposed as punishment upon anyone who possesses a regulated firearm or essential parts or components thereof without having the necessary authorization or licence.

2. A penalty of one year's to three years' imprisonment or of 80 to 200 days' fine shall be imposed as punishment upon anyone who manufactures, sells, transports or establishes stockpiles of the weapons referred to in the preceding paragraph.

3. A penalty of up to one year's imprisonment or of up to 100 days' fine shall apply to anyone who possesses or carries a knife, dagger or other instrument for the purpose of using it as an aggressive weapon.

Article 296

(Fires, floods and other especially dangerous actions)

1. A penalty of four to 10 years' imprisonment shall be imposed as punishment upon anyone who causes a fire, and in particular anyone who sets fire to a building, structure, means of transport, forest or vegetation, thereby effectively endangering life, placing in serious danger the physical integrity of others or placing in danger other people's assets having a high value.

2. The same penalty shall apply to anyone who causes an explosion, the release of toxic or asphyxiating gases, the release of radiation or of radioactive substances, flooding or the collapse of a structure, thereby creating the danger described in the preceding paragraph.

3. If the danger described in paragraphs 1 and 2 came about as a result of negligence, the penalty shall be of two to six years' imprisonment.

4. If the actions described in paragraphs 1 and 2 of this article were carried out with negligence, the penalty shall be of up to two years' imprisonment or of 60 to 150 days' fine.

Article 297

(Pollution)

1. A penalty of one year's to six years' imprisonment shall be imposed as punishment upon anyone who, acting in breach of the requirements, restrictions and limitations laid down in laws and regulations, pollutes water or soil or in any way degrades water or soil quality, or pollutes the

air, or creates noise pollution, thereby effectively endangering life, placing in serious danger the physical integrity of others or placing in danger other people's assets having a high value.

2. If the danger came about as a result of negligence, the penalty shall be of six months' to four years' imprisonment.

3. If the actions described in paragraph 1 of this article were carried out with negligence, the penalty shall be of up to two years' imprisonment or of 60 to 150 days' fine.

Article 298

(Adulteration of foods and medicines)

1. A penalty of one year's to six years' imprisonment shall be imposed as punishment upon anyone who adulterates or falsifies the content of food products, drinking water, beverages or medicines intended for public use or for mass consumption, thereby effectively endangering life or placing in serious danger the physical integrity of others.

2. The same penalty shall apply to anyone who imports, sells, offers for sale, conceals, delivers or distributes the substances that have been adulterated or whose content has been falsified as referred to in the preceding paragraph, or products whose period of validity has expired, or products that have become altered, adulterated or degraded with the passage of time, thereby giving rise to the danger described in the preceding paragraph.

3. If the danger came about as a result of negligence, the penalty shall be of six months' to four years' imprisonment, or of 100 to 300 days' fine.

4. If the actions described in paragraphs 1 and 2 of this article were carried out with negligence, the penalty shall be of up to three years' imprisonment or of 80 to 200 days' fine.

Article 299

(Spread of contagious disease)

1. A penalty of one year's to six years' imprisonment shall be imposed as punishment upon anyone who spreads a contagious disease, thereby endangering life or placing in serious danger the physical integrity of others.

2. If the danger came about as a result of negligence or if the actions were carried out with negligence, the penalties shall be as laid down in paragraphs 3 and 4 respectively of the preceding article.

Article 300

(Alteration or falsification of an analysis or a formulary)

1. A penalty of one year's to six years' imprisonment shall be imposed as punishment upon anyone who being a physician, a nurse, a health or laboratory technician, or an employee thereof, or any person legally authorized to prepare tests or ancillary diagnostic records or to prepare medical treatment provides false or inaccurate data or results, thereby endangering life or placing in serious danger the physical integrity of others.

2. The same penalty shall apply to anyone who being a pharmacist or pharmacy employee furnishes medicinal substances other than as prescribed in a physician's prescription, or without a physician's prescription in cases where such a prescription is required by law or by regulation, thereby creating the same danger described in the preceding paragraph.

3. If the danger came about as a result of negligence or if the actions were carried out with negligence, the penalties shall be as laid down in paragraphs 3 and 4 respectively of Article 298.

Article 301

(Commandeering or diversion of a vessel or aircraft)

A penalty shall be imposed upon anyone who takes over or diverts a vessel sailing on its normal route or an aircraft in flight. The penalty shall be of five to 12 years' imprisonment if there are passengers on board at the moment the deed is carried out, or of two to eight years' imprisonment if there are no passengers on board.

Article 302

(Attack on security of transport)

1. A penalty of two to eight years' imprisonment shall be imposed as punishment upon anyone who carries out any deed intended to undermine or seriously diminish the security of any means of transport, thereby effectively endangering life, placing in serious danger the physical integrity of others or placing in danger other people's assets having a high value.

2. If the danger referred to in the preceding paragraph came about as a result of negligence, the penalty shall be of one year's to four years' imprisonment.

3. If the actions described in paragraph 1 were carried out with negligence, the penalty shall be of up to three years' imprisonment or of 80 to 200 days' fine.

Article 303

(Dangerous operation of a means of transport)

1. A penalty of two to six years' imprisonment shall be imposed as punishment upon anyone who operates a vessel or an aircraft without being in a proper state to do so safely, in particular, who is under the influence of toxic drugs, alcoholic beverages, narcotics or psychotropic substances, or who grossly violates the rules for the proper operation of the vessel or aircraft, thereby effectively endangering life, placing in serious danger the physical integrity of others or placing in danger other people's assets having a high value.

2. The penalty shall be of one year's to four years' imprisonment if the danger referred to in the preceding paragraph is the result of a vehicle being operated on a public street or road.

3. If the danger came about as a result of negligence, the penalty shall be of one year's to four years' imprisonment in the case described in paragraph 1, or of up to two years' imprisonment or of 60 to 150 days' fine in the case described in paragraph 2.

4. If the actions were carried out with negligence, the penalty shall be of up to three years' imprisonment or of 80 to 200 days' fine in the case described in paragraph 1, or of up to one year's imprisonment or of up to 100 days' fine in the case described in paragraph 2.

Article 304

(Attack on communications or other essential services)

1. A penalty of two to eight years' imprisonment shall be imposed as punishment upon anyone who destroys, damages or renders unusable any infrastructure for communications or for the public supply of water, electricity or other forms of energy, or who diverts or steals energy or any elements of such infrastructure, thereby preventing or disrupting the provision of such services and endangering life, placing in serious danger the physical integrity of others or placing in danger other people's assets having a high value.

2. The same penalty shall apply to anyone who brings about the danger referred to in the preceding paragraph by destroying, damaging or rendering unusable facilities for the extraction, production, storage, transmission or distribution of water, electricity, natural gas, oil, petrol or other forms of energy.

3. If the danger came about as a result of negligence, the penalty shall be of one year's to four years' imprisonment.

4. If the actions described in paragraphs 1 and 2 were carried out with negligence, the penalty shall be of up to three years' imprisonment or of 80 to 200 days' fine.

Article 305

(Violation of construction regulations and damage to installations)

1. A penalty of one year's to six years' imprisonment shall be imposed as punishment upon anyone who destroys, damages or renders unusable any other instruments in the workplace intended to prevent accidents, or fails to install such devices or instruments in violation of the applicable laws, regulations or technical requirements, thereby endangering life, placing in serious danger the physical integrity of others or placing in danger other people's assets having a high value.

2. The same penalty shall apply to anyone who brings about the danger referred to in the preceding paragraph by acting in breach of or failing to comply with laws, regulations or technical requirements with regard to the planning, management or execution of building, demolition or facilities installation projects in the context of his professional activity.

3. If the danger came about as a result of negligence, the penalty shall be of six months' to four years' imprisonment.

4. If the actions described in paragraphs 1 and 2 were carried out with negligence, the penalty shall be of up to two years' imprisonment or of 60 to 150 days' fine.

TITLE VII

CRIMES AGAINST THE DEMOCRATIC RULE OF LAW

CHAPTER I
CRIMES AGAINST NATIONAL SOVEREIGNTY AND INDEPENDENCE

Article 306

(Treason)

1. The following shall be punished for treason:

- (a) anyone who, by means of violence, the threat of violence, or the usurping of sovereign functions, attacks or effectively imperils the country's independence or performs any act aimed at subjecting Cape Verde in whole or in part to the dominion of a foreign country;
- (b) anyone who, being a Cape Verdean citizen, serves under the flag of a foreign country during a war or armed action against Cape Verde;
- (c) anyone who recruits people in Cape Verde, or supplies weapons, for the service of a foreign power, or shares intelligence with a foreign government, political party, organization or agents with the intention of encouraging or provoking a war or armed action against Cape Verde;
- (d) anyone who has agreements with a foreign government, political party, association or group, or the agents thereof, with the intention of forcing the Government of Cape Verde to declare war, or to maintain or abandon its neutrality, or to subject Cape Verde to the wishes of the foreign state in such a way that the country's independence or territorial integrity is effectively imperilled;
- (e) anyone who, being a Cape Verdean citizen or a foreign national or stateless person resident or present in Cape Verde at a time of war or armed action against Cape Verde, has agreements with foreign authorities or in any way carries out acts with the intention of encouraging or assisting the conduct of military operations against Cape Verde.

2. The deeds described in the preceding paragraph shall be punishable by a penalty of 10 to 20 years' imprisonment in the case of subparagraph (a), a penalty of eight to 15 years' imprisonment in the case of subparagraphs (b), (c) and (e), and a penalty of three to eight years' imprisonment in the case of subparagraph (d).

3. In the cases described in subparagraphs (c), (d) and (e) of paragraph 1, the minimum and maximum penalties shall be reduced by one third if the intentions of the perpetrator of the punishable deed are not realized.

Article 307

(Sabotage against national defence)

1. A penalty of four to 10 years' imprisonment shall be imposed as punishment upon anyone who hampers or effectively imperils national defence by damaging or destroying, in whole or in part, military works or other equipment or facilities, or means of communication, transmission or transport, shipyards, port facilities, factories or warehouses.

2. A penalty of two to eight years' imprisonment shall be imposed as punishment upon anyone who, for the purpose of carrying out the deeds referred to in the preceding paragraph, manufactures, imports, buys, sells, transfers or acquires for any reason, or distributes, stores, stockpiles, possesses or uses prohibited weapons, explosives or products needed for the manufacture of toxic or asphyxiating gases.

Article 308

(Provocation of war or reprisals)

1. A penalty of two to eight years' imprisonment shall be imposed as punishment upon anyone who, being a Cape Verdean citizen or a foreign national or stateless person resident or present in Cape Verde, carries out acts not authorized by the competent authority that are sufficient to provoke a declaration of war or armed action against Cape Verde, or to expose Cape Verdeans to reprisals against their persons or assets.

2. If the acts carried out are sufficient only to expose Cape Verde to reprisals affecting the country's vital interests in the diplomatic, economic or social spheres, the penalty shall be of one year's to five years' imprisonment.

3. The provisions of Article 306, paragraph 3, shall also apply here.

4. If the perpetrator who carries out the acts described in this article is acting in specific breach of his duty under legislation governing his employment or any specific mission or service entrusted to him to perform, the minimum and maximum penalties shall be increased by one third.

Article 309

(Violation of State secrets)

1. A penalty of two to eight years' imprisonment shall be imposed as punishment upon anyone who places Cape Verde's interests at risk in regard to its national independence, the preservation of its territorial integrity or the country's defence in a situation of war or armed action against it by turning over or making available to the general public or to unauthorized individuals any document, item, fact or information which, because of its nature or by reason of national interests, should be kept secret.
2. The same penalty shall apply to anyone who, for the purpose of carrying out the acts described in the preceding paragraph, collaborates with any foreign government, service, group or association, or the agents thereof, or recruits or assists agents who carry out such acts.
3. If the deeds referred to in the preceding paragraphs put Cape Verde's interests at risk only in regard to the conduct of its foreign policy, the minimum and maximum penalties shall be reduced by one third.
4. The provisions of article 308, paragraph 4, shall also apply.

Article 310

(Negligent violation of State secrets)

A penalty of six months' to three years' imprisonment or of 80 to 200 days' fine shall be imposed as punishment upon anyone who carries out the deeds referred to in paragraph 1 of the preceding article through negligence.

Article 311

(Disloyalty at the diplomatic level)

1. A penalty of two to six years' imprisonment shall be imposed as punishment upon anyone who, while acting as an official representative of the State of Cape Verde, conducts State business, or makes commitments in the name of Cape Verde without proper authorization, with the intention of harming the country's rights or interests, if such harm is confirmed.
2. If the harm referred to in the preceding paragraph cannot be confirmed, the minimum penalty shall be reduced by one half and the maximum penalty by one third.

Article 312

(Usurping of Cape Verdean authority)

A penalty of one year's to five years' imprisonment shall be imposed as punishment upon anyone who, through the usurping of functions, carries out any act to undermine the public authority of Cape Verde for the benefit of a foreign State or agent thereof.

CHAPTER II

CRIMES AGAINST THE INSTITUTIONS AND VALUES OF A DEMOCRATIC STATE

SECTION I

REBELLION, COERCION AND TERRORISM

Article 313

(Rebellion)

1. A penalty of five to 15 years' imprisonment shall be imposed as punishment, unless some more severe penalty applies pursuant to some other legal provision, upon anyone who, through violent means or the threat of violence, carries out any act aimed at destroying, subverting or altering the democratic rule of law as ordained in the Constitution, particularly by means of the following:
 - (a) revoking, suspending or amending the current Constitution, in whole or in part;
 - (b) declaring the independence of any part of the national territory;
 - (c) deposing the head of state, the head of government or the chief executive of any local government, or shutting down legally constituted courts;
 - (d) dissolving the National Assembly;
 - (e) preventing bodies of sovereign authority, or other political bodies established under the Constitution, from freely meeting, operating or making decisions;
 - (f) preventing the holding of elections to fill public offices;
 - (g) making attacks on the life, the physical integrity or the freedom of the head of a body of sovereign authority;

(h) destroying, damaging or rendering unusable, in whole or in part, communications or public utilities infrastructure or facilities intended to serve the people's needs.

2. If the deeds referred to in the preceding paragraph were committed by means of armed violence, the penalty shall be of 10 to 18 years' imprisonment.

3. In the case of (i) public incitement or the distribution of weapons with a view to the carrying out of the deeds referred to in this article, or (ii) public incitement of mass disobedience with respect to laws of public order or public incitement of violent political struggle with the intention indicated in paragraph 1 of this article, the penalty applied shall be the corresponding penalty reduced (i) by one third or (ii) by one half, respectively.

Article 314

(Coercion or disruption of the functioning of a body established under the Constitution)

1. A penalty of (i) two to eight years' imprisonment, or (ii) two to five years' imprisonment, shall be imposed as punishment, unless more severe penalties apply pursuant to some other legal provision, upon anyone who, beyond the cases mentioned in the preceding article, through violence or the threat of violence prevents or restricts the free exercise of the functions of (i) a body of sovereign authority or (ii) a local government body, respectively.

2. If the deeds referred to in the preceding paragraph are carried out against an individual member of one of the bodies indicated, the minimum penalties indicated in that paragraph shall be reduced by one half and the maximum penalties by one third.

Article 315

(Terrorist organizations)

1. A penalty of eight to 15 years' imprisonment shall be imposed as punishment upon anyone who founds a terrorist organization or group.

2. A penalty of 10 to 15 years' imprisonment shall be imposed upon anyone who leads or directs a terrorist organization.

3. A penalty of six to 12 years' imprisonment shall be imposed as punishment upon anyone who joins a terrorist organization or group and becomes a member of it.

4. In order to be considered a terrorist organization or group, a group must fulfil the following criteria:

(a) concerted action by two or more individuals;

(b) the object of destroying, altering or subverting the democratic rule of law as ordained in the Constitution or national institutions, or attacking or endangering the country's independence or territorial integrity, or creating a climate of social unrest or upheaval;

the utilization, as instruments of action, of crimes against the life, physical integrity or freedom of individuals, crimes against the security of transport or communications, crimes that with wrongful intent create public danger, in particular through the setting of fires, the release of toxic or asphyxiating gases, the contamination of food products or of water intended for human consumption, or the spreading of diseases or plagues, crimes of sabotage, or crimes involving the use of firearms, bombs, explosives, inflammable substances, letter or parcel bombs or incendiary devices of any kind.

Article 316

(Cooperation with terrorist organizations)

A penalty of five to 10 years' imprisonment shall be imposed as punishment upon anyone who supports or cooperates with a terrorist organization or group without being a member of it, unless the provisions of this Code establish a more severe penalty with respect to the carrying out of punishable deeds arising from the activity of that organization or group.

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TITLE VII

FINAL PROVISIONS AND THE GENERAL PROVISIONS

CHAPTER I

EXCEPTIONAL PUNISHMENT

FOR PREPARATORY ACTS AND ATTEMPTED ACTS

Article 373

(Preparatory acts for which there are no definitions of standard types of crime)

Preparatory acts for the crimes indicated in Articles 268, 306, 307, 308 (paragraph 1), 309 (paragraphs 1 and 2), 313 and 315 (paragraph 1) shall be punished.

Article 374

(Preparatory acts of forgery for which there are definitions of standard types of crime)

Acts which consist of making, obtaining, providing, whether for a fee or not, possessing, transporting, storing or holding machinery, equipment, instruments or any other item specifically intended to be used in forging or altering currency or public securities or any other items referred to in Chapters II, III and IV of Title III of Volume II of this Code shall be punished as preparatory acts.

SECTION II

EXCEPTIONAL PUNISHMENT FOR ATTEMPTED ACTS

Article 375

(Listing of cases)

On an exceptional basis, attempts to commit the crimes referred to in Articles 177, 178, 179, 194, 202, 204 (paragraph 1), 224 (paragraph 1), 247, 254 (paragraph 2), 255, 285, 287, 318, 319 (paragraph 1), 320, 321 and 323 (paragraph 1) shall be punishable.

CHAPTER II

CRIMINAL PROCEEDINGS REQUIRING A SIMPLE COMPLAINT, PARTICIPATION OR A SPECIFIC CHARGE

SECTION I

SEMI-PUBLIC CRIMES

Article 376

(Requirement of a simple complaint)

1. In order for a criminal proceeding to be conducted with respect to the punishable deeds indicated in Articles 128, 131, 132, 134, 136, 137 (paragraph 1), 140, 152, 155, 167, 180, 181, 182, 183, 184, 186, 189 (paragraphs 1, 2 and 3), 190, 191, 192, 207, 211, 212, 221, 222, 223, 225 (paragraph 1), 281, 282, 284 and 318, a simple complaint shall be required from the party against whom the offence was committed.

2. In order for a criminal proceeding to be conducted with respect to the punishable deeds indicated in Articles 142, 143, 144, 145 and 147, a simple complaint shall likewise be required from the party against whom the offence was committed provided that the victim did not die or commit suicide, or that the victim is over 14 years of age, or in the case of the punishable deed described in Article 193 when reference is made to Articles 183, 134, 186, 189 (paragraphs 1, 2 and 3), 190, 191 and 192.

3. In order for a criminal proceeding to be conducted with respect to the punishable deeds indicated in Articles 194, 195, 201, 202, 203 (paragraph 1), 204, 208, 209, 210, 214, 215, 216 (paragraph 1), 220 (paragraph 1) and 224 (paragraph 1), a simple complaint shall likewise be required from the party against whom the offence was committed unless the perpetrator is the spouse or common-law partner of the victim, or a forebear or descendant of the victim, in which case the criminal proceeding shall also require a specific charge.

4. In order for a criminal proceeding to be conducted with respect to the punishable deed indicated in Article 236, a simple complaint shall likewise be required from the party against whom the offence was committed when that party is an individual.

Article 377

(Requirement of simple participation)

1. In order for a criminal proceeding to be conducted with respect to the punishable deed described in Article 169, simple personal participation by the party against whom the offence was committed shall be required provided that the party in question holds a post of public authority.

2. In order for a criminal proceeding to be conducted with respect to the punishable deeds indicated in Articles 265 and 266, participation by the Government of Cape Verde shall be required unless otherwise provided by international agreement, or the deed described in Article 311 is involved.

SECTION II

PRIVATE CRIMES

Article 378

(Requirement of a complaint or participation, and a specific charge)

1. With respect to the punishable deeds indicated in Articles 165, 166 and 168, a complaint from the party against whom the offence was committed shall be required in order for a criminal proceeding to be conducted and a specific charge shall be required in order for the process to move forward. The same shall apply with respect to the punishable deeds indicated in paragraph 3 of Article 376 if the perpetrator is the spouse or common-law partner of the victim, or a forebear or descendant of the victim.

2. With respect to the punishable deed indicated in Article 169, the participation of the party against whom the offence was committed shall be required in order for a criminal proceeding to be conducted and a specific charge shall be required in order for the process to move forward, provided that the party in question does not hold or exercise a post of public authority.

SECTION III

SEMI-PUBLIC AND PRIVATE ATTEMPTED CRIMES

Article 379

(Referenced provisions)

The provisions set forth in Sections I and II of this chapter shall apply with respect to punishable deeds that constitute attempted crimes.

SECTION IV

**HOLDING OF CRIMINAL PROCEEDINGS AND MOVING FORWARD
OF PROCESS IN REGARD TO PREPARATORY ACTS**

Article 380

(Public nature)

Public crimes that are preparatory acts are punishable on an exceptional basis, and they do not require a complaint or participation in order for a criminal proceeding to be conducted, or a specific charge in order for the process to move forward