

## **Proclamation No.414/2004**

# **THE CRIMINAL CODE OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**

### **PREFACE**

It is nearly half a century since the 1957 Penal Code entered into operation. During this period, radical political, economic and social changes have taken place in Ethiopia. Among the major changes are the recognition by the Constitution and international agreements ratified by Ethiopia of the equality between religions, nations, nationalities and peoples, the democratic rights and freedoms of citizens and residents, human rights, and most of all, the rights of social groups like women and children. After all these phenomena have taken place, it would be inappropriate to allow the continuance of the enforcement of the 1949 Penal Code.

Another discernible gap in the Penal Code is its failure to properly address crimes born of advances in technology and the complexities of modern life. The Penal Code does not incorporate crimes such as the hijacking of aircraft, computer crimes and money laundering. Besides, as regards crimes related to corruption and drugs although they are nowadays, attracting attention both in legislation and follow-up not only within national frontiers but also on the regional and international levels, due to the grave crises they are using, the Penal code does not adequately deal with such crimes with the degree of seriousness they deserve.

Another point that should not be overlooked is the penal Code's failure to acknowledge the grave injuries and sufferings caused to women and children by reason of harmful traditional practices. Surely, the constitution guarantees respect for the cultures of peoples, but it does not buttress up those practices scientifically proven to be harmful. It is also futile to issue a law that does not have the trust and support of the people for it usually remains impracticable. But it is well recognized in the philosophy of criminal legislation that the legislature should, by adopting progressive laws at times, educate and guide the public to dissociate itself from harmful traditional practices.

Furthermore, it is desirable to adopt a comprehensive code by assembling the various criminal provisions published in the Negarit Gazeta in a disintegrated manner. Similarly, since the parallel application, of the regular Penal Code and the Revised special Penal Code in respect of similar matters disregards equality among citizens,

the existence of a comprehensive Criminal Code will put an end to such practice.

In order to eliminate the above-mentioned shortcomings and adopt a comprehensive Criminal code, substantial activities have been undertaken throughout the entire Country. Discussions have been held on the draft Criminal Code prepared by the Ministry of Justice and the Justice and Legal System Research Institute. Legal and medical professionals, psychiatrists, different institutions of higher education and professional associations have made significant contributions through the opinions they gave to the enactment of the law. Representatives of the people selected from different sectors and associations have forwarded important views in discussion forums on the draft laws conducted in Addis Ababa and the regions. It is mainly on the basis of public opinion that punishments have increased in respect of crimes like rape and aggravated theft. Moreover, the opinions of legal scholars and the laws and experiences of foreign countries have been consulted to enrich the content of the Criminal Code.

Finally, one point that must not be left unmentioned is the matter concerning the determination of sentence. Since it is essential to facilitate the method by which Courts can pass similar punishments on similar cases, some major changes have been made in the provisions of the Code. Provisions of the Penal Code that used to make sentencing complicated and difficult have been amended. Provisions have been inserted which enable the Courts to pass the appropriate penalty for each case by carefully examining from the lightest to the most severe punishment. A sentencing manual will also be issued to ensure and control the correctness and uniformity of sentencing.

Another point which must be raised in connection with the determination of sentence is that the purpose of Criminal Law is to preserve the peace and security of society. It protects society by preventing the commission of crimes, and a major means of preventing the commission of crime is punishment.

Punishment can deter wrongdoers from committing other crimes; it can also serve as a warning to prospective wrongdoers. Although imprisonment and death are enforced in respect of certain crimes the main objective is temporarily or permanently to prevent wrongdoers from committing further crimes against society. And in such cases with the exception of the death sentence even criminals sentenced to life imprisonment can be released on parole before serving the whole term; in certain crimes convicts can be released on probation without the pronouncement of sentence or without the enforcement of the sentence pronounced. This helps wrongdoers to lead a peaceful life and it indicates the major place, which the Criminal Law has allocated for their rehabilitation.

The fact that wrongdoers, instead of being made to suffer while in prison, take vocational training and participate in academic education, which would benefit them upon their release, reaffirms the great

concern envisaged by the Criminal Code about the reform of criminals.

It must be noted that, by laying down in the Code express provisions concerning these cases, it is intended that Courts should, on passing sentence, take into account the purpose of the law and the different aims of punishment.

It is hoped that this Criminal Code, which has been revised through all these persistent efforts, will ensure respect for the order, peace and security of the State and its peoples as well as respect for the rights and freedoms of its citizens and inhabitants.

Being convinced that this Code will enable to accelerate the economic progress of the State, that it will strengthen a steady order of free market and that it will, above all, contribute towards the promotion of a fair judicial system, in our country, pursuant to Article 55 (1) of the Constitution of the Federal Democratic Republic of Ethiopia it is hereby proclaimed as follows:

**1. Short Title:**

**This Proclamation may be cited as "The Criminal Code of the Federal Democratic Republic of Ethiopia 2004."**

**2. Repeal:**

The following proclamations:

- a) the Penal Code of the Empire of Ethiopia 1957, and
- b) the Revised Special Penal Code of the Provisional Military Administration Council 1982, Proclamation No. 214/1982, are hereby repealed as from the 9<sup>th</sup> of May, 2005.

**3. Special Case:**

**As provided in Article 3 of this Code, nothing shall affect the application of special laws and regulations.**

**4. Effective Date:**

This Criminal Code as published in a separate volume of the Federal Negarit Gazeta under Proclamation No. 414/2004, shall come into force as of the 9<sup>th</sup> of May 2005.

**Done at Addis Ababa, this 9<sup>th</sup> day of May 2005**

**Girma Wolde Giorgis**

**President of the Federal Democratic Republic  
of Ethiopia**

**PART I**

**GENERAL PART**

**BOOK I**

**CRIMES AND CRIMINALS**

**TITLE I**

**CRIMINAL LAW AND ITS SCOPE**

**CHAPTER I**

**SCOPE OF THE LAW**

### **Article 1.- Object and Purpose.**

The purpose of the Criminal Code of the Federal Democratic Republic of Ethiopia is to ensure order, peace and the security of the State, its peoples, and inhabitants for the public good.

It aims at the prevention of crimes by giving due notice of the crimes and penalties prescribed by law and should this be ineffective by providing for the punishment of criminals in order to deter them from committing another crime and make them a lesson to others, or by providing for their reform and measures to prevent the commission of further crimes.

### **Article 2.- Principle of Legality.**

- (1) Criminal law specifies the various crimes, and the penalties and measures applicable to criminals.
- (2) The Court may not treat as a crime and punish any act or omission which is not prohibited by law. The Court may not impose penalties or measures other than those prescribed by law.
- (3) The Court may not create crimes by analogy,
- (4) The above provisions shall not prevent the Court from interpreting the law. In cases of doubt the Court shall interpret the law according to its spirit, in accordance with the meaning intended by the legislature so as to achieve the purpose it has in view.
- (5) Nobody shall be tried or punished again for the same crime for which he has been already convicted, punished or subjected to other measures or acquitted by a final decision in accordance with the law.

### **Article 3.- Other Penal Legislation.**

#### **Nothing in this Code shall affect regulations and special laws of a criminal nature:**

Provided that the general principles embodied in this Code are applicable to those regulations and laws except as otherwise expressly provided therein.

### **Article 4.- Equality Before the Law.**

Criminal law applies to all alike without discrimination as regards persons, social conditions, race, nation, nationality, social origin, colour, sex, language, religion, political or other opinion, property, birth or other status.

No difference in treatment of criminals may be made except as provided by this Code, which are derived from immunities sanctioned by public international and constitutional law, or relate to the gravity of the crime or the degree of guilt, the age, circumstances or special personal characteristics of the criminal, and the social danger which he represents.

## **CHAPTER II**

### **SCOPE OF APPLICATION OF THE LAW**

#### **Section I:- Conditions as to Time**

#### **Article 5.- Non-retrospective Effect of Criminal Law.**

- (1) If an act, declared to be a crime both under the repealed legislation and this Code was committed prior to the coming into force of this Code, it shall be tried in accordance with the repealed law.
- (2) An act declared to be a crime under this Code but not under the repealed law and committed prior to the coming into force of this Code is not punishable.
- (3) No act shall be tried or punished where it was a crime committed under the repealed legislation but is not declared so to be under this Code. If proceedings have been instituted they shall be discontinued.

#### **Article 6.- Exception: Application of the More Favourable Law.**

Where the criminal is tried for an earlier crime after the coming into force of this Code, its provisions shall apply if they are more favourable to him than those in force at the time of the commission of the crime.

The Court shall decide in each case whether, having regard to all the relevant provisions, the new law is in fact more favourable.

#### **Article 7.- Application as to Measures.**

Upon the coming into force of this Code measures prescribed in this Code (Arts. 129-165) shall apply when passing sentence on crimes committed under the repealed law.

#### **Article 8.- Application as to Periods of Limitation.**

- (1) Upon the coming into force of this Code, periods of limitation applicable to the right to prosecute and to enforce a penalty in respect of crimes committed under repealed legislation shall be governed by this Code.  
However, the time which elapsed prior to the coming into force of this Code shall be taken into account.
- (2) Wherever the provisions of this Code require official proceedings to be instituted in respect of crimes committed under repealed legislation and which under such legislation could be prosecuted upon private complaint, such right of complaint

shall be barred if not exercised within a period of two years after the coming into force of this Code.

**Article 9.- Enforcement of Judgments passed under Repealed Legislation.**

Where a sentence has been passed in accordance with the repealed legislation its enforcement shall be governed by the following principles:

- (1) If the Code no longer restrains the act in respect of which the sentence was passed the punishment shall no longer be enforceable or shall forthwith cease to have effect.
- (2) Where a sentence has been passed for the breach of a criminal law enacting a prohibition or an obligation limited to a given period of time for special reasons of a transitory nature, the expiration of the said period shall not bar the enforcement of the punishment, nor shall the prosecution be barred by such expiration.
- (3) Punishments awarded before or after the coming into force of this Code shall be enforced as provided in this Code. This shall also apply to the recovery of fines, the suspension of sentence and conditional release.
- (4) If a prisoner who is undergoing punishment at the time of the coming into force of this Code is found guilty of an earlier crime which remained unknown and was punishable by a penalty entailing loss of liberty the Court shall pass an aggregate sentence in accordance with the provisions relating to concurrent, crimes (Art. 186) and shall take into account the provisions regarding the application of the more favourable law (Art. 6).

The period of imprisonment undergone in pursuance of the earlier judgment shall be deducted.

**Article 10.- Application as to Cancellation and Reinstatement.**

The cancellation of entries in the judgment register as well as reinstatement in the case of judgments given under repealed legislation shall be governed by this Code.

**Section II.- Conditions as to Place**

**Sub-section I.- Principal Application**

**Article 11.- Crimes Committed on Ethiopian Territory: Normal Case.**

- (1) This Code shall apply to any person whether a national or a foreigner who has committed one of the crimes specified in this Code on the territory of Ethiopia.  
The national territory comprises the land, air and bodies of water, the extent of which is determined by the Constitution.

- (2) Nothing in the provision of sub-article (1) of this Article shall affect immunities of persons enjoying an official status as sanctioned by public international law.
- (3) If the criminal has taken refuge in a foreign country, his extradition shall be requested so that he may be tried under Ethiopian Law.

**Article 12.- Special Case: Delegation.**

- (1) Where a foreigner who has committed a crime in Ethiopia cannot be tried or punished, because he has taken refuge in a foreign country and his extradition cannot be obtained, the Ethiopian authorities may request that he be tried in the country of refuge.
- (2) The accused foreigner cannot be retried in Ethiopia for the same crime if he has been tried and acquitted in the foreign country by a judgment which has become final or if he has been granted pardon or amnesty or if the prosecution or sentence has been barred by limitation.
- (3) Where the criminal has not undergone his punishment or only undergone part of it in the foreign country, the whole or the unexpired part thereof shall be enforced in Ethiopia, if he is apprehended and the enforcement of the penalty is not barred by limitation under the provisions of this Code.  
Should the punishments differ as to their nature or form, such punishment as is the closest to that imposed in the foreign country shall be enforced.

**Article 13.- Crimes Committed against Ethiopia Outside Its Territory.**

This Code shall apply to any person who outside Ethiopia has committed one of the crimes against the State of Ethiopia, its safety or integrity, its institutions, essential interests or currency as defined in Book III, Title I, Chapter I, and under Title V of this Book (Art. 238 -260 and Art. 355-374).

**Article 14.- Crimes Committed In a Foreign Country by an Ethiopian Enjoying Immunity.**

- (1) Subject to the provision of Article 13, this Code shall apply to a member of the Ethiopian diplomatic or consular service, an Ethiopian official or agent who cannot be prosecuted at the place of commission of the crime by virtue of international principles of immunity, where he committed in a foreign country a crime punishable both under the Ethiopian Code and under the law of the country where it was committed.
- (2) Where, according to either the foreign law or this Code, the crime is punishable upon a formal complaint no proceedings may be instituted where such complaint has not been lodged.

**Article 15.- Crimes Committed in a Foreign Country by a Member of the Defence Forces.**

- (1) Where a member of the Ethiopian Defence Forces in such capacity commits a crime against the ordinary law In a foreign country he shall be subject to the ordinary law and territorial jurisdiction if he is arrested and tried in the country where the crime was committed.

If he has taken refuge in Ethiopia, he shall be tried in accordance with the provision of Article 21 (2) of this Code.

- (2) In cases of crimes against international law and specifically military crimes as defined in Article 269-322, the member of the Defence Forces shall remain subject to national law, and be tried under the provisions of this Code by Ethiopian military courts.

#### **Article 16.- Effect of Foreign Sentences.**

- (1) Where a -criminal who is subject to Ethiopia's principal jurisdiction (Arts. 11,13,14 (1) and 15 (2)) has been sentenced in a foreign country, he may be tried and sentenced again on the same charge in Ethiopia, H he is found in Ethiopia or was extradited to it.
- (2) His discharge or acquittal in a foreign country shall be no bar to a fresh trial or sentence being passed in Ethiopia in accordance with this Code.
- (3) Where by reason of the crime committed, the criminal has already been convicted In a foreign country and has undergone the whole or part of the punishment, the Court shall deduct the punishment already undergone from the new sentence to be passed.

#### **Sub-section II.- Subsidiary Application**

#### **Article 17.-Crimes Committed Outside Ethiopia Against International Law or Universal Order.**

- (1) Any person who has committed outside Ethiopia:

(a) a crime against international law or an international crime specified in Ethiopian legislation, or an international treaty or a convention to which Ethiopia has adhered; or

(b) a crime against public health or, morals specified in Articles 525, 599, 635, 636, 640 or 641 of this Code;

shall be liable to trial, in Ethiopia in accordance with the provisions of this Code and subject to the general conditions mentioned hereinafter (Arts. 19 and 20(2)) unless a final judgment has been given after being prosecuted in the foreign country.

- (2) Nothing in this Article shall affect the provisions of Articles 14 and 15(2).

#### **Article 18.- Other Crimes Committed Outside Ethiopia .**



- (1) This Code shall also apply to any person who has committed a crime outside Ethiopia against an Ethiopian national or to any Ethiopian national who has committed outside Ethiopia a crime .of another kind than those specified in the foregoing Articles, if the criminal was not tried in the foreign country for the crime, provided that:
  - (a) the act to be tried is prohibited by the law of the State where it was committed and by Ethiopian law; and
  - (b) it is of sufficient gravity under the latter law to justify extradition.
  
- (2) In the case of all other crimes committed outside Ethiopia by a foreign national, the criminal shall, save as otherwise expressly provided, failing extradition, be prosecuted and tried only if the crime is punishable under Ethiopian law with death or with rigorous imprisonment for not less than ten years.

**Article 19.- Conditions for Subsidiary Application.**

- (1) This Code shall apply where:
  - (a) the complaint by the victim or his dependants was lodged when it is a condition for prosecution under the law of the place of commission of the crime or under Ethiopian law,
  - (b) the criminal is within the territory of Ethiopia and has not been extradited, or extradition to Ethiopia was obtained by reason of the crime committed; and
  - (c) the crime was not legally pardoned in the country of commission and that prosecution is not barred either under the law of the country where the crime was committed or under Ethiopian law.
  
- (2) The condition specified under sub-article 1 (a) and (c) of this Article need not necessarily be satisfied as regards the lands of crimes provided for under Article 17 and 18(2) of this code.
- (3) The prosecution shall consult with the Minister of Justice before instituting proceedings.
- (4) In case of disparity between the punishments prescribed under this Code and the law of the country of commission, the punishment to be imposed shall be the one, which is more favourable to the accused.

**Article 20.- Effect of Foreign Sentences.**

- (1) In all cases where Ethiopian courts have a subsidiary jurisdiction only (Arts.15(1), 17 and 18), the criminal cannot be tried and sentenced in Ethiopia if he was regularly acquitted or discharged for the same act in a foreign country.
- (2) If the criminal was tried and sentenced in a foreign country but did not undergo his punishment, or served only part of it in the said country, the punishment, or the remaining part thereof, may be enforced according to the forms prescribed by this Code, if it is

not barred by limitation under this Code or the law of the country of commission. The provisions of Article 12 (3) shall apply mutatis mutandis to this Article.

### **Sub-section III.- General Provisions**

#### **Article 21.- Extradition.**

- (1) Any foreigner who commits an ordinary crime outside the territory of Ethiopia and who takes refuge in Ethiopia may be extradited in accordance with the provisions of the law, treaties or international custom; extradition shall be granted on the application made in proper form by the State where the crime was committed for the purpose of trial under the territorial law when the crime does not directly and principally concern the Ethiopian State (Art. 13).
- (2) No Ethiopian national having that status at the time of the commission of the crime or at the time of the request for his extradition may be handed over to a foreign country. However, he shall be tried by Ethiopian courts under Ethiopian law.
- (3) In all cases where a crime raises a question of extradition the request shall be dealt with in accordance with Ethiopian Law and existing treaties.

#### **Article 22.- Recognition of Foreign Sentences.**

- (1) Foreign criminal sentences may be taken into account as regards antecedents and aggravating circumstances, the granting or revocation of an order for conditional release, recidivism and its punishment, the enforcement of safety measures, incapacities and forfeitures, conditions as to reinstatement, as well as compensation, restoration of property and other civil effects and all other legal consequences provided by this Code.
- (2) The foreign sentence shall not be recognized unless passed by an ordinary Court and not by a special tribunal for a crime punishable under this Code and its validity has been recognized by the appropriate Ethiopian authority.

Such recognition may be made on the basis of a certified extract from the judgment register of the criminal or of the judgment pronounced or by means of an official attestation delivered by the judicial or executive foreign authority, or in any other reliable manner.

## **TITLE II THE CRIME AND ITS COMMISSION**

### **CHAPTER I**

#### **THE CRIME**

#### **Article 23.- Crimes.**

- (1) A crime is an act, which is prohibited and made punishable by law.  
In this Code, an act consists of the commission of what is prohibited or the omission of what is prescribed by law.
- (2) A crime is only completed when all its legal, material and moral ingredients are present.
- (3) Notwithstanding the provision of sub-article (2) of this Article, a juridical person shall be criminally liable to punishment under the conditions laid down in Article 34 of this Code.
- (4) A crime is punishable where the Court has found the crime proved and deserving of punishment.

**Article 24.- Relationship of Cause and Effect.**

- (1) In all cases where the commission of a crime requires the achievement of a given result, the crime shall not be deemed to have been committed unless the result achieved is the consequence of the act or omission with which the accused person is charged.  
This relationship of cause and effect shall be presumed to exist when the act within the provisions of the law would, in the normal course of things, produce the result charged.
- (2) Where there are preceding, concurrent or intervening causes, whether due to the act of a third party or to a natural or fortuitous event, which are extraneous to the act of the accused, this relationship of cause and effect shall cease to exist when the extraneous cause in itself produced the result.  
If, in such a case, the act with which the accused person is charged in itself constitutes a crime he shall be liable to the punishment specified for such a crime.
- (3) Relationship of cause and effect shall be presumed to exist between each cause specified under sub-article (2) above and the result achieved, when the result is the cumulative effect of these causes, even though each cause cannot independently produce the result.

**Article 25.- Place and Time of the Crime.**

- (1) A crime is committed at the place where and at the time when the criminal performed or failed to perform the act penalized by criminal law.  
An attempt is committed at the place where and at the time when the criminal performed or failed to perform the preliminary acts: which constitute such an attempt.
- (2) With regard to non-instantaneous crimes where the act and the criminal result do not coincide the crime is deemed to have been committed both at the place of the unlawful act and that of its result.

Similarly, an attempt is deemed to have been committed both at the place where the criminal attempted the crime and the place he intended the result to be produced.

For purposes of prosecution, the jurisdiction of the place where the result was achieved is subsidiary to that of the place of commission.

- (3) When a combination or repetition of criminal acts is an element of an ordinary or aggravated crime as provided under Article 61, or when the act is pursued over a period of time, the place where and the time when the crime is committed shall be the place where and the time when one of the combined or repeated acts or part of the acts pursued is committed.

## **CHAPTER II**

### **DEGREES IN THE COMMISSION OF THE CRIME**

#### **Article 26.- Preparatory Acts.**

Acts which are committed to prepare or make possible a crime, particularly by procuring the means or creating the conditions for its commission are not usually punishable, however, such acts are  
punishable where:

- (a) in themselves they constitute a crime defined by law; or
- (b) they expressly constitute a special crime by law owing to their gravity or the general danger they entail,

#### **Article 27.- Attempt,**

- (1) Whoever intentionally begins to commit a crime and does not pursue or is unable to pursue his criminal activity to its end, or who pursues his criminal activity to its end without achieving the result necessary for the completion of the crime shall be guilty of an attempt.

The crime is deemed to be begun when the act performed directly aims, by way of direct consequence, at its commission.

- (2) An attempted crime is always punishable save as is otherwise provided by law,  
A mere attempt to instigate or assist in a crime does not come within the provisions of the law unless it is expressly provided to the contrary.

- (3) Without prejudice to the provisions of Article 117, in the case of an attempted crime the criminal is liable to the punishment attaching to the crime he intended to commit:

Provided that if circumstances so justify the Court may reduce the punishment within the limits provided by law (Art. 179).

### **Article 28.- Renunciation and Active Repentance.**

- (1) If a criminal of his own free will renounces the pursuit of his criminal activity the Court shall reduce the punishment within the limits provided by law (Art. 179) or without restriction (Art. 180) if circumstances so justify. No punishment shall be imposed if the renunciation was prompted by reasons of honesty or high motives.
- (2) If a criminal, having completed his criminal activity, of his own free will prevents, or contributes to prevent the consequent result, the Court shall without restriction reduce the punishment (Art. 180).
- (3) This Article shall also apply to an instigator or an accomplice (Arts. 36 and 37) who of his own free will renounced the pursuit of his criminal activity or has done everything incumbent upon him to prevent the commission of the crime:

### **Article 29.- Crime Impossible of Completion.**

When a criminal has attempted to commit a crime by means or against an object of such nature that the commission of the crime was absolutely impossible, the Court shall, without restriction, reduce the punishment (Art. 180).

No punishment shall be imposed when the criminal, from superstition or owing to the simplicity of his mind acted by using means or processes, which could in no case have a harmful effect.

The above provisions of this Article shall similarly apply to an instigator or an accomplice.

### **Article 30.- Special Case of Attempt.**

When the acts done in an attempt to commit a crime in themselves constitute a separate crime the punishment attaching thereto shall be applied.

### **Article 31.- Discretionary Power of the Court.**

In determining the punishment to be imposed or, where appropriate, in reducing it within the limits allowed by law, or, in special cases, in imposing no punishment where an attempt was abandoned or failed, the Court shall take into account all relevant circumstances. It shall in particular, take into consideration the stage reached in the carrying out of the attempt and the danger it represented, the reasons for which it failed, the motives which prompted the renunciation or the active repentance of the criminal, as well as his antecedents and the danger he represents to society.

## **CHAPTER III**

### **PARTICIPATION IN THE COMMISSION OF A CRIME**

### **Article 32.- Principal Criminal.**

- (1) Any person shall be regarded as having committed a crime as a principal criminal and punished as such if:
  - (a) he actually commits the crime either directly or indirectly, in particular by means of an animal or a natural force; or
  - (b) he without performing the criminal act itself fully associates himself with the commission of the crime and the intended result; or
  - (c) he employs an infant or a person who is mentally deficient or unaware of the circumstances, for the commission of a crime or compels another person to commit a crime.
- (2) Where the crime committed goes beyond the intention of the criminal he shall be tried in accordance with Article 58(3).
- (3) Where two or more persons are involved as principal criminals in the commission of a crime, each shall be liable to the punishment attaching thereto.

The Court shall take into account the provisions governing the effect of personal circumstances (Art. 41) and those governing the award of punishment according to the degree of individual guilt (Art. 88).

### **Article 33.- Participation in Cases of Special Crimes.**

An accused person may be prosecuted as a principal criminal when, by his acts, he fully participated with knowledge and intent in the commission of a crime which can be committed only by certain specified persons, in particular by a member of the Defence Forces in the case of military crimes, or by a public servant in respect of crimes against public office, or only by a male person in the case of rape.

### **Article 34.- Participation of a Juridical Person in a Crime.**

- (1) A juridical person other than the administrative bodies of the State is punishable as a principal criminal, an instigator or an accomplice where it is expressly provided by law.

A juridical person shall be deemed to have committed a crime and punished as such where one of its officials or employees commits a crime as a principal criminal, an instigator or an accomplice in connection with the activity of the juridical person with the intent of promoting its interest by an unlawful means or by violating its legal duty or by unduly using the juridical person as a means.
- (2) The juridical person is punishable with fine under sub-article (3) or sub-article (4) of Article 90 of this Code; and, where necessary, an additional penalty may be imposed to suspend, close or wind up the juridical person.

- (3) The punishment of the juridical person shall not exclude the penalty to be imposed on its officials or employees for their personal criminal guilt.
- (4) For the purpose of this Article "juridical person" means a body which has governmental or non-governmental, public or private structure and includes any legally recognized institution or association set up for commercial, industrial, political, religious or any other purpose.

#### **Article 35.- Collective Crimes.**

Where two or more persons commit a crime in concert, the person who is proved to have taken no part in the commission of the crime shall not be punished.

However, where a crime such as conspiracy or brawl is committed by a group of persons, the person whose presence in the group is proved shall be exempt from punishment only if he proves that he has taken no part in the commission of the crime.

#### **Article 36.- Incitement.**

- (1) Whoever intentionally induces another person whether by persuasion, promises, money, gifts, and threats or otherwise to commit a crime shall be regarded as guilty of having incited the commission of the crime.
- (2) The person who incited the commission of a crime shall be liable to punishment provided the crime was at least attempted.
- (3) The punishment to be imposed shall be that provided by law for the intended crime. It may be reduced within the limits specified by law if the circumstances of the case justify such a reduction (Art. 179).
- (4) When the person who committed the crime went beyond what was intended by the instigator, the latter shall be liable to punishment only for the crime he intended or could foresee (Art. 58(3)).  
The actual criminal shall alone be answerable for the more serious crime which he committed.

#### **Article 37.- Accomplice.**

- (1) An accomplice is a person who intentionally assists a principal criminal either before or during the carrying out of the criminal design, whether by information, advice, supply of means or material aid or assistance of any kind whatsoever in the commission of a crime.
- (2) An accomplice in an intentional crime shall always be liable to punishment.
- (3) The accomplice shall be liable to punishment provided the crime was at least attempted.

- (4) The punishment to be imposed shall be the punishment for the crime in so far as such crime does not go beyond the accomplice's intention (Art. 58(3)); The Court may, taking into account the circumstances of the case, reduce the punishment in respect to an accomplice within the limits specified by law (Art. 179).
- (5) When the person who committed the crime went beyond what was intended by the accomplice the latter shall be liable to punishment only for the crime he intended or could foresee (Art. 58(3)).  
The actual criminal shall alone be answerable for the more serious crime which he committed.

**Article 38.-Criminal Conspiracy.**

- (1) Where two or more persons enter into an agreement to commit a crime the provisions regarding participation and aggravation of punishment due to the above-mentioned circumstances are applicable (Art. 84(1)(d)).
- (2) The foregoing provision shall, however, not affect the provisions contained in the Special Part of this Code relating to conspiracies against the essential interests of the State and its defence, the forming of unlawful associations and the participation therein, as well as to the organization of gangs or associations of wrongdoers (Art. 257, 274, 300 and 478).

**Article 39.- Failure to Report.**

- (1) Failure to report the preparation, attempt or commission of a crime or of the person who committed the crime, shall not be liable to punishment as an act of an accessory after the fact or an accomplice except in the cases expressly provided by law (Art. 254 and 335).
- (2) The provisions regarding the failure to report to the authorities in the cases specified under Article 443 shall apply.
- (3) The above-mentioned obligations are to be construed in a restricted manner.

**Article 40.- Accessory After the Fact.**

Whoever after a crime has been committed assists a criminal either by hiding him or helping him to escape prosecution or punishment or by receiving the proceeds of his crime, shall be punished in accordance with the provisions of the Special Part of this Code dealing with such acts (Arts. 445, 460 and 682)

**Article 41.- Non-transmissibility of Personal Circumstances.**

In case of, participation whether as principal or secondary participant in a crime, each of the participants shall be punished for his own act, according to the extent of his



participation, his degree of guilt and the danger which his act and his person represent to society.

Special circumstances or personal incidents or relationships which have the effect of excluding punishment or justify its reduction or increase are not transmissible to another person. They operate to the benefit or the detriment solely of the person to whom they attach.

## **CHAPTER IV**

### **PARTICIPATION IN CRIMES RELATING TO THE MASS MEDIA**

- (1) Notwithstanding the provisions of Articles 32-41, the provisions of this Chapter shall apply in the case of crimes relating to the mass media with a view to ensuring freedom of expression while preventing abuse.
- (2) Crimes relating to the mass media are those which are committed by means of newspapers, books leaflets, journals, posters, pictures, cinemas, radio or television broadcasting or any other means of mass media.
- (3) The crimes may be committed against the honour of other persons, public or private safety or any other legal right protected by criminal law, and are committed where communication is made to the public through the mass media.

#### **Article 43.- Liability for Crimes Committed through the Mass Media.**

- (1) Criminal liability for crimes committed through periodicals shall be as follows:
  - (a) a person who was registered as editor in chief or deputy editor when the periodical was published shall be liable;
  - (b) if no license existed when the periodical was published or if the editor-in-chief liable under sub-article (1)(a) was no longer qualified or has otherwise ceased to function as editor-in-chief the publisher shall be liable;
  - (c) the publisher shall likewise be liable in cases in which the editor-in-chief was appointed merely for the sake of appearance, or was otherwise manifestly not in a position of exercising his powers at the time the periodical was published;
  - (d) if a deputy acting as chief editor was not longer qualified at the time the periodical was published, or if his appointment had otherwise expired, or if he is unable to exercise his powers the editor-in-chief shall be liable;
  - (e) where it is impossible to establish the identity of the publisher at the time of the publication of the periodical, the printer of the periodical shall be liable in lieu of the publisher;
  - (f) when a person disseminated a periodical which does not indicate who the printer was, or if such a statement is known to the disseminator to be incorrect, and if the identity of the

printer cannot be ascertained, the disseminator is liable in lieu of the printer;

- (g) in case of periodicals published abroad, the importer other than a person who imports the products for his personal use or any person who disseminates the press product shall be liable;

(2) Criminal liability for crimes committed through non-periodical printed matters shall be as follows:

- (a) when crime is committed by means of printed matter other than a periodical the author is liable, provided that he has been named as the author of the matter. The author shall not be liable if the matter was published without his consent or if his name, pen-name, or pseudonym appeared therein against his wishes;

The question who the author is may be raised in legal proceedings concerning crimes committed through publications other than periodicals.

- (b) if the author under sub-article (2)(a) of this Article is not liable for matter which includes or is intended to include contributions by several authors, and if a responsible editor had been nominated in a manner prescribed by law, the

responsible editor shall be liable;

- (c) in the case of printed matter other than printed matter under sub-article (2)(b) of this Article, the responsible editor shall be liable only if the author was dead at the time of publication. However, the responsible editor is not liable if his name, pseudonym, or pen-name appeared against his consent;

- (d) the responsible editor of printed matter other than a periodical is taken to be the person who, without knowing the author, delivers it for printing and publication;

- (e) if neither the author nor the responsible editor under sub-article (2)(a), (b) and (c) of this Article is liable, or if he was dead when the matter was published, the publisher is liable;

the publisher of printed matter other than a periodical is taken to be the person who has undertaken to print and publish the writings of another;

- (f) if there is no publisher, or the identity of the publisher cannot be ascertained, the printer of the material is liable in lieu of the publisher;

- (g) the provision of sub-article (2)(f) of this Article shall apply also in corresponding manner to the liability of a disseminator of printed matter other than a periodical.

(3) Liability for crimes committed through broadcasting media shall rest with the person in charge of the programme; failing him, the licensee shall be liable.

(4) If the person who would have been liable under Article 43 (1), (2) or (3) at the time of publication has no known place of abode in Ethiopia, and if his present whereabouts cannot be ascertained

in the prosecution of the case, liability shall pass to the person next liable after him.

- (5) In determining the liability of a person under this Article for the crime committed through the product of mass media, the content of the matter shall be deemed to have been inserted, published or disseminated with his full knowledge and consent. No proof to the contrary may be admitted in such a case.

**Article 44.- Special Criminal Liability of the Author, Originator, or Publisher.**

- (1) Without prejudice to the provisions of Article 43, any person who, by contributing as author, originator or publisher, to the product published or diffused through mass media, participates in the commission of crimes: armed rising or civil war (Art 240), treason (Arts. 248-250), espionage (Art. 252) attempted incitement and assistance (Art. 255), provocation and preparation (Art. 257), crimes against humanity (Arts. 269 - 274), incitement to disregard military order (Art. 332), disclosure of military secrets (Art 336), breaches of military and official secrecy (Arts. 396 and 397), inciting the public through false rumours (Art 486(b)), or the deliberate disregard for an obligation to maintain secrecy specified by law, shall be criminally liable.
- (2) In such a case the provisions of this Code concerning participation shall apply to persons who committed the crime as a principal criminal, an instigator or an accomplice.

**Article 45.- Secrecy of the Identity of a Source.**

- (1) The editor or publisher of any publication, which is not periodical, may not be compelled to disclose the name or pen-name of the author.
- (2) The publisher or editor of any publication may not be compelled to disclose the source of any matter printed in publication.
- (3) Notwithstanding the provision of sub-article (2) of this article, the Court may order the publisher or editor of the publication to disclose the source of information:
- (a) where a crime is committed against the Constitutional Order, National Defence Force or security of the State constituting clear and imminent danger, or
  - (b) in the case of proceedings of a serious crime, where such source does not have any alternative and is decisive for the outcome of the case.

**Article 46.- Exclusion of Double Liability.**

The punishment of one of the parties responsible in the order fixed by law shall exclude liability to punishment of the other parties for the same act.

However, no juridical person shall escape criminal liability either alone or jointly with any criminal listed in the order fixed by law.

### **Article 47.-Immunity.**

The author, publisher or diffuser of a true record or representation, which is correct in form, of public debates or acts of a legislative, administrative or judicial authority the diffusion of which is not expressly prohibited by law or by a specific decision shall not be liable to punishment.

## **TITLE III**

### **CONDITIONS OF LIABILITY TO PUNISHMENT IN RESPECT OF CRIMES**

#### **CHAPTER I CRIMINAL RESPONSIBILITY**

#### **Section I.- Ordinary Responsibility**

#### **Article 48.- Criminal Responsibility and Irresponsibility.**

- (1) The criminal who is responsible for his acts is alone liable to punishment under the provisions of criminal law.
- (2) A person is not responsible for his acts under the law when, owing to age, illness, abnormal delay in his development, deterioration of his mental faculties, one of the causes specified under Article 49 sub-article 1 or any other similar biological cause, he was incapable at the time of his act, of understanding the nature or consequences of his act, or of regulating his conduct according to such understanding.
- (3) The Court may order in respect of an irresponsible person such suitable measures of treatment or protection as are provided by law (Arts. 129-131).

#### **49.- Partial Responsibility.**

- (1) He who owing to one of the causes specified under Article 48 sub-article (2) above, or a derangement or an abnormal or deficient condition or any other similar biological cause was, at the time of his act, partially incapable of understanding the nature or consequences thereof or regulating his conduct according to such understanding shall be partially liable to the punishment specified for the crime committed. The court shall determine the sentence in accordance with Article 180.
- (2) In addition to a penalty the Court may order such appropriate measures of treatment, correction or protection as are provided by law (Arts. 129-131).

#### **Article 50.- Crimes Committed in a State of Irresponsibility Caused by Intoxication or Other Similar Conditions.**

- (1) The provisions excluding or reducing liability to punishment shall not apply to any person who, in order to commit a crime or

knowing that he could commit a crime, intentionally put himself into a condition of absolute irresponsibility or of limited responsibility by means of alcohol or drugs or any other means. The general provisions of this Code are applicable in such a case.

- (2) If a criminal by his own fault has put himself into a condition of absolute irresponsibility or of limited responsibility while he was aware, or could or should have been aware, that he was exposing himself, in such a condition, to the risk of committing a crime, he shall be tried and punished under the ordinary provisions governing negligence, if the crime committed is punishable on such a charge (Art. 59).
- (3) In the case of a crime which was neither contemplated nor intended and was committed in a state of absolute irresponsibility into which the criminal put himself by his own fault, the provision of Article 491 of the Special Part of this Code relating to crimes against public safety shall apply.
- (4) No person shall be liable to punishment where he commits a crime while in a state of absolute irresponsibility, into which he has been coerced or for which he has no fault on his part.

#### **Article 51.- Expert Examination in Doubtful Cases.**

- (1) When there is a doubt as to the responsibility of the accused person, whether absolute or partial, the Court shall obtain expert evidence and may order an enquiry to be made as to the character, antecedents and circumstances of the accused person.  
Such evidence shall be obtained particularly when the accused person shows signs of a deranged mind or epilepsy, is deaf and dumb or is suffering from chronic intoxication due to alcohol or due to drugs.
- (2) The expert or experts shall be appointed by the. Court under the ordinary rules, of procedure. The Court shall define their terms of reference and the matters to be elucidated.  
The expert evidence shall describe the present condition of the accused person and its effect upon his faculties of judgment and free determination. It shall, in addition, afford guidance to the Court as to the expediency and the nature of medical treatment or safety measures.
- (3) On the basis of the expert evidence the Court shall make such decision as it thinks fit. In reaching its decision it shall be bound solely by definite scientific findings and not by the appreciation of the expert as to the legal inferences to be drawn therefrom.

#### **Section II.- Infants and Juvenile Delinquents**

##### **Article 52.- Infancy:, Exoneration from Criminal Provisions.**

Infants who have not attained the age of nine years shall not be deemed to be criminally responsible. The provisions of this Code Shall not apply to them.

Where a crime is committed by an infant, appropriate steps may be taken by the family, school or guardianship authority.

**Article 53.- Special Provisions Applicable to Young Persons.**

- (1) Where a crime is committed by young persons between the ages of nine and fifteen years, the penalties and measures to be imposed by the courts shall be only those provided in Articles 157-168 of this Code.

Young persons shall not be subject to the ordinary penalties applicable to adults nor shall they be kept in custody with adult criminals.

- (2) The provisions of Articles 158-168 of this Code shall not apply unless the criminal is convicted.

However, where the young person is irresponsible, the provisions of Articles 129-133 shall apply.

**Article 54.- Expert Evidence and Enquiry.**

- (1) For the purpose of assessing sentence the Court may require information about the conduct, education, position and circumstances of the young criminal. It may examine his parents as well as the representatives of the school, guardianship authorities and the institutions concerned.

The Court may require from the above-mentioned persons and institutions the production of any files, particulars, medical and social reports in their possession concerning the young person and his family.

- (2) The Court before passing penalties or measures may order the young criminal to be kept under observation in a medical or educational centre, a home or any other suitable institution.

The Court may require the production of expert evidence regarding the physical and mental condition of the young person. The Court shall put such questions as may be necessary to any expert for the purpose of informing itself as to the physical and mental state of the young person and inquire what treatment and measures of an educational, corrective or protective kind would be most suitable.

- (3) In reaching its decision the Court shall be bound solely by definite scientific findings and not by the appreciation of the expert as to the legal inferences to be drawn.

**Article 55.- Assessment of Sentence.**

In assessing the penalties or measures the Court shall take into account the age, character, degree of mental and moral

development of the young criminal, as well as the educational value of the penalties or measures to be applied.

The Court may vary its order whenever it is of the opinion that this will help to achieve better results (Art. 164).

**Article 56.- Criminals Over Fifteen but Under Eighteen Years of Age.**

- (1) If at the time of the commission of the crime the criminal was over fifteen but under eighteen years of age, he shall be tried under the ordinary provisions of this Code.
- (2) The Court may, in assessing sentence, take into account the circumstances of the case, in particular the age of the criminal, his incorrigible or dangerous disposition and the likelihood of his reform, either by applying the general provisions regarding ordinary mitigation of penalties (Art. 179) or by applying one of the special penalties specified for young persons (Arts. 166-168).

**CHAPTER II**

**CRIMINAL GUILT**

**Section I.- Intention, Negligence and Accident**

**Article 57.- Principle; Criminal Fault and Accident.**

- (1) No one can be punished for a crime unless he has been found guilty thereof under the law.  
A person is guilty if, being responsible for his acts, he commits a crime either Intentionally or by negligence.
- (2) No one can be convicted under criminal law for an act penalized by the law if it was performed or occurred without there being any guilt on his part, or was caused by force majeure, or occurred by accident.

**Sub-section 1.- Guilt in Case of a Simple Crime**

**Article 58.- Criminal Intention.**

- (1) A person is deemed to have committed a crime intentionally where:
  - (a) he performs an unlawful and punishable act with full knowledge and intent in order to achieve a given result; or
  - (b) he being aware, that his act may cause illegal and punishable consequences, commits the act regardless that such consequences may follow.
- (2) An intentional crime is always punishable save in cases of justification or excuse expressly provided by law (Arts. 68-81).

- (3) No person shall be convicted for what he neither knew of or Intended, nor for what goes beyond what he intended either directly or as a possibility, subject to the provisions governing negligence.

**Article 59.- Criminal Negligence.**

- (1) A person is. deemed to have committed a criminal act negligently where he acts:

(a) by imprudence/or in disregard of the possible consequences of his act while he was aware that his act with cause illegal and punishable consequences; or

(b) by a criminal lack of foresight or without consideration while he should or could have been aware that his act may cause illegal and punishable consequences.

A person is guilty of criminal negligence when, having regard to his personal circumstances, particularly to his age, experience, education, occupation and rank, he fails to take such precautions as might reasonably be expected in the circumstances of the case.

- (2) Crimes committed by negligence are liable to punishment only if the law so expressly provides by reason of their nature, gravity or the danger they constitute to society.

The Court shall assess sentence according to the degree of guilt and the dangerous character of the criminal, and according to his realization of the possible consequences of his act or his failure to appreciate such consequences as he ought to have done.

**Sub-section II.- Criminal Guilt in Case of Concurrence and Recidivism**

**Article 60.- Concurrent Crimes.**

A person commits concurrent crimes:

a) in cases of material concurrence, when the criminal successively commits two or more similar or different crimes, whatever their nature; or

b) in cases of notional concurrence, when the same criminal act simultaneously contravenes several criminal provisions or results in crimes with various material consequences; or

c) in the case of a criminal act which, though flowing from the same criminal intention or negligence and violating the same criminal provision, causes the same harm against the rights or interests of more than one person.

**Article 61.- Unity of Guilt and Penalty.**

- (1) The same criminal act or a combination of criminal acts against the same legally protected right flowing from a single criminal intention or negligence, cannot be punished under two or more



concurrent provisions of the same nature if one legal provision fully covers the criminal acts.

- (2) Successive or repeated acts against the same legally protected right flowing from the same initial criminal intention or negligence constitute one crime; the criminal shall be punished for the said crime and not for each of the' successive acts which constitute it.

Similarly, where the repetition or succession of criminal acts or the habitual or professional nature of a crime constitutes an element of an ordinary or aggravated crime, or where the criminal act is pursued over a period of time, the criminal shall be regarded as having committed a single crime and not concurrent material crimes.

- (3) In cases where the criminal is regarded to have intention to commit a specific crime, in particular where he committed a crime on property to obtain unlawful enrichment or he made counterfeit currency, used it or put it into circulation or executed a forged document and used it, the subsequent acts performed by the criminal himself after the commission of the main crime for the purpose of carrying out his initial criminal scheme shall not constitute a fresh crime liable to punishment and are merged by the unity of intention and purpose.

#### **Article 62.- Renewal of Guilt Entailing a Fresh Penalty.**

When a criminal having committed a crime as specified in Article 61 commits with renewed criminal intention or negligence another crime of the same kind, whether against the same person or the same legally protected right, such crime constitutes a fresh crime and the Court shall aggravate the sentence on ground of concurrence as provided in Article 184.

#### **Article 63.- Guilt in Case of Related Crimes.**

When a criminal commits a crime with the intention of causing or facilitating the commission of another punishable crime the provisions regarding aggravation of penalty in case of concurrence shall apply (Art. 184), when this has been attempted unless such crime is declared by law to be an aggravated crime.

#### **Article 64.- Guilt In Case of Other Concurrent Material Crimes.**

Where a criminal successively commits different crimes other than those specified in Article 82 and 63, the provisions of Article 184 of this Code Shall apply.

#### **Article 65.- Guilt in Case of Notional Concurrence Violating Different Legal Provisions.**

In case of notional concurrence where the act simultaneously contravenes different legal provisions, the punishment shall be determined in accordance with Article 187(1).

**Article 66.- Guilt in Case of Notional Concurrence Resulting in, Crimes With Various Material Consequences.**

- (1) When a given crime implying an injury to persons or property, or the use of arms, instruments or dangerous means, fire or explosives, poison or toxic substances, entails an injury whereby the elements constituting a second crime have materialized, whether it be bodily injury, injury to health, death of a human being or the destruction of another person's property, the Court shall apply the following principles for determining the. guilt and the penalty:
  - (a) if the result achieved was intended or foreseen and accepted by the criminal (Art. 58(1)). When he committed the first crime, he shall be punished for both the first crime and the resulting crime and aggravation shall apply in accordance with the relevant provisions (Arts.184 and 187 (2)(a)), due regard being had to the combination of the elements constituting the two intentional crimes;
  - (b) if an intentional crime results in a crime committed by negligence (Art. 59(1)) there shall be concurrence between the intentional act and the resulting crime due to negligence, and the Court shall increase the penalty accordingly (Art.187(2)(a));
  - (c) if the first crime committed by negligence results in another crime punishable for negligence there shall be concurrence between the crimes committed by negligence and the Court shall aggravate the penalty accordingly (Art.187(2)(b)).
- (2) Aggravation shall apply in particular where criminal result was achieved by means endangering public safety, such as arson, explosion, use of explosives or where communication or public health are in danger as well as in the case of exposure persons, maltreatment, brawl, abortion, rape sexual outrages (Arts. 187(2)(c) and 184).

**Article 67.- Guilt in Case of Recidivism.**

The Court shall aggravate the penalty on ground recidivism (Art. 188) when a fresh intentional crime the minimum penalty of which is six months of simple imprisonment has been committed within five years serving a sentence of imprisonment in whole or in part or having been remitted by pardon.

**Section II.- Lawful Acts, Justifiable Acts and Excuses**  
**Sub-section I.- Lawful Acts**

**Article 68.-Acts Required or Authorized by Law.**

Acts required or authorized by law do not constitute a crime and are not punishable; in particular:

- (a) acts in respect of public, State or military duties done within the limits permitted by law;
- (b) acts reasonably done in exercising the right of correction or discipline; or
- (c) acts done in the exercise of private rights recognized by law, where the conditions and limits of the exercise of such rights are not exceeded.

**Article 69.- Professional Duty.**

An act done in the exercise of a professional duty is not liable to punishment when it is in accordance with the accepted practice of the profession and the doer does not commit any grave professional fault.

**Sub-section II.- Justifiable Acts and Excuses**

**Article 70.- Consent of the Victim.**

- (1) A crime is not liable to punishment where it is punishable upon complaint and where it is done with the consent of the victim or his legal representative.
- (2) Without prejudice to the provision of Article 573 this Code, when any person, having entered into contract of his own free will without any commercial purposes, donates while alive or causes to be donated after his death, his body, a part of his body or one of his organs to another person for person use or to a juridical person for appropriate and necessary scientific research or experiment, the recipient shall not be criminally liable;

**Article 71.-Absolute Coercion.**

Whoever, without causing greater harm than could have suffered, commits a crime under absolute coercion which he could not possibly resist, is not liable to punishment. The person who exercised the coercion shall answer for the crime (Art. 32(1 )(c). The Court shall determine the existence of absolute coercion, taking into account the circumstances the case, in particular the degree and nature of the coercion as well as the personal circumstances and the relationship of strength, age or dependency existing between the person who was subjected to coercion and the person who exercised it.

**Article 72.- Resistible Coercion.**

If the coercion was not irresistible and the person concerned was in a position to resist it or avoid committing the act, the court shall pass sentence on the criminal (Art. 180).

### **Article 73.- Responsibility of Person Giving an Order.**

In the case of an act committed by a subordinate on the express order of an administrative or military superior who was competent so to do, the person who gave the order is responsible for the crime committed and is liable to punishment, where the subordinate's act constitutes a crime and did not exceed the order given (Art. 58(3)).

### **Article 74.- Responsibility of the Subordinate.**

- (1) The subordinate shall be liable to punishment if he was aware of the illegal nature of the order, in particular if he knew that the order was given without authority or knew the criminal nature of the act ordered, such as in cases of homicide, arson or any other grave crime against persons, or national security or property, essential public interests or international law.
- (2) The Court may, without restriction, reduce the penalty when the person who performed the act ordered was moved by a sense of duty dictated by discipline or obedience; in particular where the duty is of a compelling nature the Court shall reduce the penalty without restriction (Art. 180).

The Court may impose no punishment where, having regard to all the circumstances and in particular to the stringent exigencies of State or military discipline, the person concerned could not discuss the order received and act otherwise than he did.

- (3) In the event of an order being intentionally exceeded, the person who exceeded the order is alone responsible for the excess.

### **Article 75.- Necessity.**

An act which is performed to protect from an imminent and serious danger a legal right belonging to the person who performed the act or a third party is not liable to punishment if the danger could not have been otherwise averted.

No exemption shall apply in the case of a similar act done by a person having a special professional duty to protect life or health; however, the Court may reduce the penalty without restriction (Art. 180).

### **Article 76.- Excess of Necessity.**

If the abandonment of the threatened right could reasonably have been required in the circumstances of the case or if the encroachment upon the third party's rights exceeded what was necessary or if the doer, by his own fault, placed himself in the situation involving danger or necessity in which he found himself, the Court may, without restriction, reduce the penalty (Art. 180).

**Article 77.- Military State of Necessity.**

- (1) An act done by an officer of a superior rank in active service to maintain discipline or secure the requisite obedience in the case of a military danger and in particular in the case of a mutiny or in the face of the enemy shall not be punishable if the act was the only means, in the circumstances, of obtaining obedience.
- (2) Where the officer exceeded what was required in the circumstances the Court shall, without restriction, reduce the penalty (Art. 180) or, if the circumstances were of a particularly impelling nature, may impose no punishment.

**Article 78.- Legitimate Defence**

An act done in self-defence or the defence of another person against an unlawful attack or an imminent and unlawful attack against a legally protected right shall not be punishable if the attack or imminent attack could not have been otherwise averted and if the defence was proportionate to the needs of the case.

**Article 79.- Excess in Legitimate Defence.**

- (1) When a person in repelling an unlawful attack or an imminent and unlawful attack exceeded the limits of legitimate defence by using disproportionate means or going beyond the acts necessary for averting the danger, the Court shall, without restriction, reduce the penalty (Art. 180).
- (2) The Court may impose no punishment when the excess committed was due to excusable fear, surprise or excitement caused by the attack.

**Article 80.- Mistake of Fact.**

- (1) Whoever commits a crime under an erroneous appreciation of the true facts of the situation shall be tried according to such appreciation.  
Where there is no criminal Intention the doer shall not be punishable. Where he could have avoided the mistake by taking such precautions as were commanded by his personal position and the circumstances of the case (Art. 59), he shall be punishable for negligence in cases where such negligence is penalized by law.
- (2) Mistake as to a fact which constitutes a specified crime shall not exclude the punishment of the doer for another crime constituted by the act he performed.
- (3) The crime is committed where there is a mistake as to the identity of the victim or the object of the crime.

**Article 81.- Mistake of Law and Ignorance of Law.**

- (1) Ignorance or mistake of law is no defence.
- (2) The Court shall, without restriction, reduce the punishment (Art. 180) applicable to a person who in good faith believed he had a right to act and had definite and adequate reasons for holding this erroneous belief.  
The Court shall determine the penalty taking into account the circumstances of the case and, in particular, the circumstances that led to the error.
- (3) In exceptional cases of absolute and justifiable ignorance and good faith and where criminal intent is not apparent, the Court may impose no punishment.

### **Section III.- Extenuating and Aggravating Circumstances**

#### **Article 82.- General Extenuating Circumstances.**

- (1) The Court shall reduce the penalty, within the limits allowed by law (Art. 179), in the following cases:
  - (a) when the criminal who previously of good character acted without thought or by reason of lack of intelligence, ignorance or simplicity of mind;
  - (b) when the criminal was prompted by an honourable and disinterested motive or by a high religious, moral or civil conviction;
  - (c) when he acted in a state of great material or moral distress or under the apprehension of a grave threat or a justified fear, or under the influence of a person to whom he owes obedience or upon whom he depends;
  - (d) when he was led into grave temptation by the conduct of the victim or was carried away by wrath, pain or revolt caused by a serious provocation or an unjust insult or was at the time of the act in a justifiable state of violent emotion or mental distress;
  - (e) when he manifested a sincere repentance for his acts after the crime, in particular by affording succour to his victim, recognizing his fault or delivering himself up to the authorities, or by repairing, as far as possible, the injury caused by his crime, or when he on being charged, admits every ingredient of the crime stated on the criminal charge.
- (2) When the law, In a special provision of the Special Part, has taken one of these circumstances into consideration as a constituent element or as a factor of extenuation of a privileged crime, the Court may not at the same time allow for the same circumstance to reduce the penalty applicable thereto.

#### **Article 83.- Special Mitigating Circumstances: Family and Affection Relationships,**

- (1) In addition to the cases specified under various provisions of this Code to be special mitigating circumstances under Article 180, the Court shall without restriction, reduce the punishment (Art. 180) when the criminal acted in a manner contrary to the law and in particular failed in his duty to report to the authority or afford it assistance, made a false statement or deposition or supplied false information or assisted a criminal in escaping prosecution or the enforcement of a penalty, for the purpose of not exposing himself, one of his near relatives by blood or marriage or a person with whom he is connected by specially close ties of affection, to a criminal penalty, dishonour or grave injury.  
The Court shall examine and determine the existence and adequate nature of the relationships invoked.
- (2) If the act with which the accused person is charged was not very grave and if the ties in question were so close and the circumstance so impelling that they placed him in a moral dilemma of a particularly harrowing nature the Court may exempt him from punishment other than reprimand or warning (Art.122).
- (3) Nothing in this Article shall affect the provisions of Ans. 254(4), 335(3) and 682 (4).

**Article 84.- General Aggravating Circumstances.**

- (1) The Court shall increase the penalty as provided by law (Art. 183) in the following cases;
- (a) when the criminal acted with treachery, with perfidy, with a base motive such as envy, hatred, greed, with a deliberate intent to injure or do wrong, or with special perversity or cruelty;
  - (b) when he abused his powers, or functions or the confidence, or authority vested in him;
  - (c) when he is particularly dangerous on account of his antecedents, the habitual or professional nature of his crime or the means, time, place and circumstances of its perpetration, in particular if he acted by night or under cover of disturbances or catastrophes or by using weapons, dangerous instruments or violence;
  - (d) when he acted in pursuance of a criminal agreement, together with others or as a member of a gang organized to commit crimes and, more particularly, as chief, organizer or ringleader;
  - (e) when he intentionally assaulted a victim deserving special protection by reason of his age, state of health, position or function, in particular a defenceless, feeble-minded or invalid person, a prisoner, a relative, a superior or inferior, a minister of religion, a representative of a duly constituted authority, or a public servant in the discharge of his duties.

- (2) When the law, in a special provision of the Special Part, has taken one of the same circumstances into consideration as a constituent element or as a factor of aggravation of a crime, the Court may not take this aggravation into account again.

**Article 85.- Special Aggravating Circumstances: Concurrence and Recidivism.**

In case of concurrence of crimes and recidivism, the penalty shall be aggravated according to the provisions of Articles 184-188 of this Code.

**Article 86.- Other General Extenuating and Aggravating Circumstances.**

The Court shall give reasons for applying general extenuating (Art. 179) or aggravating (Art. 182) circumstances not expressly provided for in this Code and shall state clearly its reasons for such application.

**BOOK II**

**THE CRIMINAL PUNISHMENT AND ITS APPLICATION**

**TITLE I**

**PUNISHMENTS AND OTHER MEASURES AND THEIR ENFORCEMENT**

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 87.- Principle.**

The penalties and measures provided by this Code must be applied in accordance with the spirit of this Code and so as to achieve the purpose it has in view (Art.1).

The penalties and measures shall always be in keeping with the respect due to human dignity.

**Article 88.- Calculation of Sentence.**

- (1) The Court shall determine the penalties and measures in conformity with the provisions of the General Part of this Code and the special provisions defining crimes and their punishments.
- (2) The penalty shall be determined according to degree of individual guilt, taking into account dangerous disposition of the criminal, antecedents, motive and purpose, his personal circumstances and standard of education, as well as the gravity of the crime and the circumstances of its commission.



- (3) Subject to the provisions of the Special Part of Code, the Court shall carefully examine from lightest to the most severe punishment, determine only the penalty appropriate for each case.
- (4) In order to ensure the correctness and uniformity sentencing, the Federal Supreme Court shall issue a manual relating to sentencing.

**Article 89. - Minor Crimes.**

In cases of minor crimes the Court may apply provisions of Article 122 relating to reprimands or warning or the provisions of the Law of Petty Offences.

Minor crimes are crimes which are punishable with simple imprisonment not exceeding three months or fine not more than one thousand Birr.

**CHAPTER II**

**ORDINARY PUNISHMENTS APPLICABLE TO ADULTS**

**Section 1.- Principal Punishments**

**Sub-section I.- Pecuniary Penalties**

**Paragraph I.- Fine, Confiscation and Sequestration**

**Article 90.- Fine; Principles to be Applied When Fine Imposed.**

- (1) Fine is paid in money, and is forfeited to the State; subject to any provision of the law to the contrary, it may extend from ten Birr to ten thousand Birr. However, in the case of a juridical person fine may extend from one hundred up to five hundred thousand Birr.
- (2) In fixing the amount of the fine, the Court shall take into consideration the degree of guilt, the financial condition, the means, the family responsibilities, the occupation and earnings therefrom, the age and health of the criminal.
- (3) When the penalty provided, for by the Special Part of this Code is only imprisonment and the criminal is a juridical person, the punishment shall be a fine not exceeding ten thousand Birr for a crime punishable with simple imprisonment not exceeding five years, a fine of up to twenty thousand Birr for a crime punishable with rigorous imprisonment not exceeding five years, a fine of up to fifty thousand Birr for a crime punishable with rigorous imprisonment more than five years but not exceeding ten years, a fine of up to the general maximum laid down in sub-article
  - (1) for a crime punishable with rigorous imprisonment exceeding ten years.

- (4) Where only fine is provided for in the Special Part of this Code, and where the criminal is a juridical person, the fine shall be five fold.

**Article 91.- The Imposition of Fine in Addition Imprisonment.**

Where the Special Part of this Code provides for a fine or imprisonment as an alternative punishment for a crime, and it appears to the Court that, having regard to the degree of guilt and the circumstances of the criminal, it is expedient so to do, it may impose both fine and imprisonment.

**Article 92.- Motive of Gain as an Aggravating Circumstance.**

- (1) Without prejudice to any special provision of the prescribing a higher maximum, where the criminal has acted with a motive of gain or where he makes a business of crime in a way that he acquires or tries to acquire a gain whenever a favourable opportunity presents itself, and where it appears to the Court that, having regard to the financial condition of, and the profit made by, the criminal, it is expedient so to do, it may impose a fine which shall not exceed one hundred thousand Birr. The fine shall always be in addition to the confiscation of the profit made.
- (2) Notwithstanding that no provision is specifically made in the Special Part of this Code, where although gain is not an essential element of a crime, the criminal was motivated by gain in the commission of such crime, the Court may impose a fine in addition to imprisonment or measures provided by law.

**Article 93.- Recovery of Fine.**

- (1) Fine shall be paid forthwith.
- (2) Where the criminal cannot pay the fine forthwith, the Court may allow a period of time for payment; such period may extend, according to circumstances, from one to six months.
- (3) Where, having regard to the circumstances of the criminal, it appears to the Court that it is expedient so to do, it may direct the payment of the fine to be made by installments. In fixing the amount and the date for payment of each installment, the Court shall take into consideration the actual means of the criminal. The period of payment shall not exceed three years.

**Article 94.- Steps Taken by the Court When Fine is not Paid Forthwith.**

- (1) Whenever a fine is not paid forthwith, the Court may require the criminal to produce such sureties or security as is sufficient to ensure the payment of the fine within the stated period. The security or sureties shall be determined having regard to the circumstances of the case, the condition of the criminal and the interests of justice.

- (2) In default of payment of the fine within the fixed period, the Court shall give the appropriate order for the surety or security to be deposited.
- (3) When the criminal is unable or deliberately fails to produce surety or security his property shall be seized and sold in accordance with the law. The sale of property shall be carried out subject to the provision of Article 98(3).

**Article 95.- Conversion of Fine into Labour.**

In default of payment of the fine as provided under Articles 93 and 94, the Court shall order the criminal to settle the fine by doing work for the State or for any public authority.

The Court shall, taking into account the amount of the fine, determine the period within which the fine is to be settled. However, the period to be determined shall not exceed two years.

**Article 96.- Conversion of Fine into Compulsory Labour.**

Where the criminal is not able to fulfill as required under Articles 93-95, the Court shall order the conversion of the fine into compulsory labour.

The period of compulsory labour determined by the Court under this Article shall not exceed two years.

**Article 97.- Suspension of Enforcement of Compulsory Labour.**

When fine is converted into compulsory labour the Court may order the suspension of the enforcement of compulsory labour where the criminal, apart from the case specified under Article 105, is unable to carry out compulsory labour, by reason of his poverty, his family obligation, his state of health or for any other good cause.

**Article 98.- Confiscation of Property.**

- (1) Subject to the following provisions of this Article, where the law makes provision for confiscation the Court may order the confiscation of the estate, or part thereof, of the criminal.
- (2) Any property which the criminal has acquired, directly or indirectly, by the commission of the crime for which he was convicted shall be confiscated.  
An order of confiscation may also apply to any property lawfully acquired by the criminal.
- (3) Confiscation shall not affect:
  - (a) domestic articles normally in use, instruments of trade or profession and agricultural implements, necessary for the livelihood of the criminal and his family;
  - (b) such amount of foodstuffs and of money as are necessary for the support of the family of the criminal for a period of not less than six months or for such longer period as the

Court, having regard to the particular circumstances of the case and for reasons to be given in its judgment, considers just;

- (c) goods, forming part of a family inheritance, of which the criminal cannot freely dispose by gift, will or in any other manner;
- (d) half of the common property with regard to the innocent spouse of the criminal, as well as the personal goods of the innocent spouse, children or other persons of which the criminal has, by law or custom, the charge, administration, management or power to dispose.

**Article 99.- Sequestration of Property.**

Where the criminal has been convicted and sentenced in his absence for conspiring or engaging in hostile acts against the constitutional order or the internal and external security of the State, the Court may in addition to any other penalty order the sequestration of his property.

The provisions of Article 98(3) shall apply to an order of sequestration.

**Paragraph II. Other Pecuniary Effects**

**Article 100.- Forfeiture to the State.**

- (1) Any material benefits given or intended to be given to an criminal to commit a crime shall be forfeited to the State.

If they no longer exist in kind the person who received them shall refund their value.

- (2) Any fruits of a crime shall be forfeited to the State where its owner or any other claimant is not found within five years starting from the date of publication of notice having been made concerning the recovery of the property in accordance with the usual procedure.

Where the property is likely to be spoiled or become unfit for use it shall be sold in accordance with the usual procedure and the money shall be entrusted to a competent authority for a period not exceeding five years.

**Article 101.- Restitution of Property, Compensation for Damages and Costs.**

Where a crime has caused considerable damage to the injured person or to those having rights from him, the injured person or the persons having rights from him shall be entitled to claim that the criminal be ordered to make good the damage or to make restitution or to pay damages by way of compensation.

To this end they may join their civil claim with the criminal suit.

Such claim shall be governed by the provisions laid down in the Criminal Procedure Code.

**Article 102.- Compensation to Injured Party.**

- (1) Where it appears that compensation will not be paid by the criminal or those liable on his behalf on account of the circumstances of the case or their situation, the Court may order that the proceeds or part of the proceeds of the sale of the articles distrained, or the sum guaranteed as surety, or a part of the fine or of the yield of the conversion into work, or confiscated property be paid to the injured party.
- (2) The claim of the injured party who has been compensated shall be assigned to the State which may enforce it against the person who caused the damage.

**Sub-section II.- Compulsory Labour and Penalties Entailing Loss of Liberty**

**Paragraph I.- Compulsory Labour**

**Article 103.- Compulsory Labour with Deduction of Wages to the Benefit of the State.**

- (1) Where the crime is of minor importance and is punishable with simple imprisonment for a term not exceeding six months, the Court may, if the criminal is healthy and is not a danger to society, sentence him to compulsory labour without any restriction of personal liberty subject however to supervision.

This penalty may extend from one day to six months.

- (2) The criminal shall serve his sentence of compulsory labour at the place where he normally works or is employed or in a public establishment or on public works.

An amount not exceeding one third of the criminal's wages or profits shall be deducted and forfeited to the State.

- (3) The amount to be deducted, the place where the sentence is to be served, and the period thereof and the nature of the supervision shall be stated in the judgment.

**Article 104.- Compulsory Labour With Restriction of Personal Liberty.**

- (1) Where the circumstances of the case show that it is proper or necessary so to do, especially where the criminal fails to discharge his obligation as specified under Article 103(1) above, or where, with a view to keeping the criminal away from unfavourable surroundings or undesirable company, it is expedient so to do, the Court may direct that compulsory labour shall be subject to restriction of personal liberty.
- (2) The nature and the duration of such restriction shall be determined by the Court according to the circumstances of the case.

Such restriction may require the criminal to discharge the compulsory labour by remaining in a particular place of work, or with a particular employer, or in a particular establishment, or without leaving his residential area or a restricted area under the supervision of government officials.

- (3) If the criminal fails to comply with any such requirement, he shall be liable to simple imprisonment for a period equal to any unfinished period of the sentence of compulsory labour.

#### **Article 105.- Suspension of Sentence During Illness.**

When the criminal apart from the conditions laid down under Article 97 of this Code, falls ill during the period of his sentence of compulsory labour, he shall not be required to do any work until he recovers.

When the criminal recovers he shall be ordered to resume the compulsory labour; if he is not able to resume the compulsory labour he shall be ordered to carry out another work which is suitable to his health and personal circumstances. Where it is impossible to give or implement such an order, the Court may not impose another penalty on the criminal.

#### **Paragraph II.- Penalties Entailing Loss of Liberty**

##### **Article 106.- Simple Imprisonment.**

- (1) Simple imprisonment is a sentence applicable to crimes of a not very serious nature committed by persons who are not a serious danger to society.

Without prejudice to conditional release, simple imprisonment may extend for a period of from ten days to three years.

However, simple imprisonment may extend up to five years where, owing to the gravity of the crime, it is prescribed in the Special Part of this Code, or where there are concurrent crimes punishable with simple imprisonment, or where the criminal has been punished repeatedly.

The Court shall fix the period of simple imprisonment in its judgment.

- (2) The sentence of simple imprisonment shall be served in such prison or in such section thereof as is appointed for the purpose.

##### **Article 107.- Substitution of Compulsory Labour for Simple Imprisonment.**

Wherever by reason of local administrative difficulties the execution of a sentence of simple imprisonment is not possible or the carrying out of such sentence is not conducive to the reform or the rehabilitation of the criminal, the Court may, in respect of crimes for which the Special Part of this Code provides for a term of simple imprisonment not exceeding six months, inflict a sentence of compulsory labour (Art. 103 or 104)

instead

of the sentence of simple imprisonment.

The provisions of this Article shall have effect notwithstanding that no provision is made in the Special Part for the application of a sentence of compulsory labour instead of one of simple imprisonment.

### **Article 108.- Rigorous Imprisonment.**

- (1) Rigorous imprisonment is a sentence applicable only to crimes of a very grave nature committed by criminals who are particularly dangerous to society.

Besides providing for the punishment and for the rehabilitation of the criminal, this sentence is intended also to provide for a strict confinement of the criminal and for special protection to society.

Without prejudice to conditional release, the sentence of rigorous imprisonment is normally for a period of one to twenty-five years but where it is expressly so laid down by law it may be for life.

- (2) The sentence of rigorous imprisonment shall be served in such prisons as are appointed for the purpose.

The conditions of enforcement of rigorous imprisonment are more severe than those of simple imprisonment.

### **Article 109.- Common Provisions.**

The following provisions are common to both forms of imprisonment. They shall have, as their aim, the achievement of the purpose the determination of the penalties had in view.

Regulations relating to prisons shall provide for the manner of execution of sentences, the admission to prison, the segregation of prisoners, the contact of prisoners with persons outside, the internal discipline

in the prisons, and for the education and spiritual welfare of the prisoners.

### **Article 110.- Separation of Sexes and Segregation.**

- (1) Prisoners of different sexes shall serve their sentences in different prisons and, in default of this, prisoners of different sexes shall be kept in different sections of the same prison and shall not be allowed to mix with prisoners of the other sex.
- (2) Prisoners who are sentenced to rigorous imprisonment or special confinement shall be kept separate from prisoners under the age of eighteen years or from adult prisoners who are serving a sentence of simple imprisonment.
- (3) Prisoners awaiting judgment or persons detained for civil debts, or public servants who, by virtue of their official duty, had contact with prisoners and who are imprisoned for a crime or

detained for civil debt shall be kept separate from prisoners serving sentence.

**111.- Obligation to Do Work and Benefits Accruing Therefrom.**

- (1) A prisoner serving a sentence with deprivation of personal liberty shall be under an obligation to do work and such obligation is an essential element in the sentence.

A prisoner in good health shall be compelled to do such work as will be assigned by the Director of Prisons. Such work shall be suitable to the prisoner's ability and shall be of such nature as to reform and educate the prisoner and to be conducive to his rehabilitation.

- (2) A prisoner compelled to work shall, if his work and conduct are satisfactory, be entitled to receive compensation for every day's work.

The amount of such daily compensation, the manner of keeping it during the period of imprisonment and the manner of its payment upon release from imprisonment shall be governed by regulations relating to prisons.

**Article 112.- Variation of Conditions of Imprisonment.**

With a view to ensuring that the sentence has the effect of reforming the prisoner and of enabling him to resume a normal social life on his release, the execution of the sentence shall be carried out in accordance with the following provisions in this Article and with such other provisions as may be laid down by regulations relating to prisons:

- (1) The prison administration may, whenever it appears necessary so to do, impose solitary confinement at the beginning or in the course of the execution of the sentence for a maximum of three months.

Before imposing solitary confinement the prison administration shall determine the measure and duration of such confinement after consultation with a medical doctor and, where necessary, a psychiatrist.

- (2) The prisoner shall be bound to work either alone or together with others according to the requirements and conditions prevailing at the time.

Outside periods of work and during the night, prisoners shall, as far as possible, be kept isolated.

- (3) Good conduct prisoners may be given more favourable treatment as regards food, access to visitors, nature of work and leisure and treatment may be further improved with improved conduct of the prisoner and with the approach of the prisoner's release.

Provided that any improved treatment may be withdrawn or suspended for a definite or an indefinite period of time in the case of abuse or persistent misconduct of the prisoner.



**Article 113.- Conditional Release before Expiry of Period of Sentence.**

(1) Before the expiry of a sentence of imprisonment, the prisoner may be released on probation, if his conduct has been satisfactory and other conditions laid down by law (Art. 202) have been fulfilled.

Before being released the prisoner may be required to live on probation in a penitentiary or labour settlement or other similar establishment.

(2) The law relating to the execution of sentences and the regulations relating to prisons shall lay down the conditions and the manner of putting into effect the provisions of this Article.

**Article 114.- Execution of Sentence in the Case of Members of the Defence Forces.**

The foregoing provisions shall be without prejudice to the execution of sentences with deprivation of personal liberty, in the case of members of the Defence Forces in which case the sentence shall be carried into effect in military prisons, camps or fortifications.

The manner of carrying out such sentences shall be laid down by regulations.

**Article 115.- Deduction of Period of Remand.**

(1) In passing a sentence with deprivation of personal liberty, the Court shall specify what period of remand shall be deducted from the period of the sentence:

Provided that no such deduction shall be or a deduction for a limited period shall be made such remand or a prolongation thereof is attributable to the criminal.

(2) The conditions of remand and the manner in which it is carried into effect are governed by the Code of Criminal Procedure.

**Article 116.- Period of Time Spent in Hospital Transfer in Case of Illness.**

(1) If while serving sentence a prisoner has to be transferred to a hospital for treatment, the period spent in hospital shall be reckoned as part of the sentence.

If the transfer to hospital is due to illness or to any cause existing before the prisoner started to serve his sentence, the period in hosp shall, subject to the provision of sub-article (2) of Article, be reckoned as part of the sentence.

- (2) The period spent in hospital due to illness deliberately caused by the prisoner or due to admission to hospital by misleading statement or behaviour of the prisoner shall not be reckoned as part of the sentence.
- (3) If while serving sentence, a prisoner is deemed by experts to be suffering from some mental disorder or to be irresponsible for his acts, the sentence shall be suspended and the criminal shall be transferred to a proper institution for care or treatment.  
If the mental disorder or state of irresponsibility of the criminal is of a permanent nature the remaining period of the sentence shall not be carried into effect.

### **Sub-section III.- Punishment of Death**

#### **Article 117.- General Principles.**

- (1) Sentence of death shall be passed only in cases of grave crimes and on exceptionally dangerous criminals, in the cases specifically laid down by law as a punishment for completed crimes and in the absence of any extenuating circumstances. A sentence shall be passed only on a criminal who, at the time of the commission of the crime, has attained the age of eighteen years.
- (2) Death sentence shall not be carried out unless confirmed by the Head of State. It shall not be executed before ascertainment of its non-remission or non-commutation by pardon or amnesty.
- (3) The sentence of death shall not be carried out in public by hanging or by any other inhuman means. The penalty shall be executed by a humane means within the precincts of the prison. The means of execution shall be determined by the executive body having authority over the Federal or Regional prison administration concerned.  
The execution of the sentence shall be carried out without any cruelties, mutilations or other physical suffering.
- (4) After execution the body shall, upon request, be handed to his family. Failing such request, it shall be given a decent burial.

#### **Article 118.- Treatment of Prisoner Awaiting Execution.**

While awaiting the confirmation and the execution of the sentence the prisoner shall be detained under the same conditions as a prisoner-serving sentence of rigorous imprisonment.

The director of prisons shall take such steps as may be necessary for the safety of the prisoner.

Where the prisoner so desires and where it is possible he shall be given some work to do within his cell.

#### **Article 119.- Cases Where Death Penalty May be Suspended.**

Death sentence shall not be carried out on fully or partially irresponsible or seriously ill person or on a pregnant woman, while they continue to be in that State.

**Article 120.- Commutation of Sentence of Death.**

- (1) In the case of a woman with child and such child is born alive and the mother has to nurse such child, the death sentence may be commuted to rigorous imprisonment for life.
- (2) A sentence of death may be commuted or remitted by way of pardon or amnesty in accordance with the provisions of this Code (Arts. 229 and 230).

**Section II.- Secondary Punishments**

**Article 121.- Principles.**

Secondary punishments shall not be applied except together with and subject to a principal punishment. Any such punishments shall apply only when the Court has expressly so directed.

Any such punishments may be applied whenever the general provisions of law have been fulfilled notwithstanding that no provision is specifically made for the application of such punishment in any particular case.

In deciding the application of secondary penalties, the Court shall be guided by their aim and the result they would achieve on the safety and rehabilitation of the criminal.

**Article 122.- Caution, Reprimand, Admonishment and Apology.**

- (1) Where the Court considers that an appeal to the honour of the criminal will have beneficial effects on the criminal and on society at large, it may in open Court, either during the trial or in its judgment, caution, admonish or reprimand the criminal. The Court may also order the Criminal to make a public apology to the person injured by the crime, or to the persons having rights from such injured person.
- (2) The Court may apply any of the punishments mentioned in this Article instead of the principal punishment where it is specifically laid down by law that such punishments apply to minor crimes; or where extenuating circumstances are present (Arts 82 and 83); or where the law provides for a free mitigation of the punishment (Art. 180); or where enforcement of a sentence is postponed (Art. 192).

**Article 123.- Deprivation of Rights.**

Where the nature of the crime and the circumstances under which the crime was committed justify such an order, and the

criminal has, by his unlawful act or omission, shown himself unworthy of the exercise of any of the following rights, the Court may make an order depriving the criminal of:

- (a) his civil rights, particularly the right to vote, to take part in any election or to be elected to a public office or office of honour, to be a witness to or a surety in any deed or document, to be an expert witness or to serve as assessor; or
- (b) of his family rights, particularly those conferring the rights of parental authority, of tutorship or of guardianship; or
- (c) his rights to exercise a profession, art, trade or to carry on any industry or commerce for which a license or authority is required.

**Article 124.- Period of Deprivation.**

- (1) Any deprivation (Art. 123) may be permanent or temporary and where temporary shall be from six months to five years.

In fixing the period in each case the Court shall take into consideration the gravity of the crime, the antecedents and character of the criminal, the danger of a relapse into crime, the need for, and utility of the deprivation or the probable effect of the punishment and the interests of society.

- (2) A sentence of death or of rigorous imprisonment carries with it the deprivation of all civil rights. When deciding a sentence of rigorous imprisonment, the Court shall determine the duration of the deprivation of civil rights. Subject to the exercise of pardon (Art. 229) and amnesty (Art. 230) or reinstatement (Arts. 232-237) such deprivation shall be permanent in the case of a sentence of death or of rigorous imprisonment for life.

**Article 125.- Date from Which Deprivation Shall have Effect.**

- (1) Any deprivation shall have effect from the day on which the judgment becomes final.

- (2) In the case of temporary deprivation the period fixed shall begin to run from the day of expiry of the term of the principal sentence or the day on which the principal sentence was remitted or barred by limitation.

In the case of conditional release from a sentence restrictive of personal liberty, and where the criminal has been of good conduct during the period of such release, the deprivation or suspension of the exercise of rights shall begin to run from the day of release.

In case of forfeiture of professional rights (Art. 123(C)), the Court may on trial authorize resumption of activity during the probation period of the conditional release (Art. 205).

**Article 126.- Reinstatement.**

A criminal may be reinstated into the exercise of his rights in the cases and under the conditions laid down by law (Arts. 232-237).

**Article 127.- Dismissal from the Defence Forces and Reduction in Rank.**

- (1) Where the criminal is a member of the Defence Forces and is convicted by a military court, the Court may in addition order the reduction in rank of the criminal and his dismissal from the Defence Forces where his crime shows him to be of a base, wicked or dangerous disposition.
- (2) Such punishment shall be applied after consultation with the competent military authority.  
Nothing in this Article shall prevent the imposition of any other secondary penalty.

**Article 128.- Legal Effect.**

Reduction in rank or dismissal from the Defence Forces shall take effect as provided by military law.

**CHAPTER III**

**MEASURES APPLICABLE TO ADULTS IN SPECIAL CASES**

**Section I.- Measures Applicable to Irresponsible Persons and Criminals with a Limited Responsibility**

**Article 129.- Principle.**

After ascertaining on the bases of normal enquiry and expert examination, (Art. 51) whether the criminal is irresponsible (Art. 48) or whether he is of a limited responsibility (Art. 49), the Court shall apply the following provisions having regard to the circumstances and requirements of the case.

**Article 130.- Confinement.**

- (1) If the criminal, by reason of his condition, is a threat to public safety or order, or if he proves to be dangerous to the persons living with him, the Court shall order his confinement in a suitable institution.
- (2) If he is in need of treatment, he shall either be treated in the institution in which he is confined or be transferred to an appropriate institution in accordance with Article 131.  
Proper provision may be made for his safe custody.

**Article 131.- Treatment.**

- (1) Where a criminal is suffering from a mental disease or deficiency, deafness and dumbness, epilepsy chronic alcoholism, narcotic and psychotropic substances, intoxication due to the

abuse of narcotics or any other pathological deficiency and requires to be treated or placed in a hospital or asylum the Court shall order his treatment in a suitable institution or department of an institution.

- (2) Where the Court is satisfied that the criminal is not dangerous and can be treated as an out-patient, it shall order accordingly. The Court shall then order that the criminal be kept under proper supervision and control either by the medical expert in charge of the case or by some other competent authority. An order made under this Article may be revoked at any time where it is known that it is unreliable or cannot produce positive result. Before revoking the order or taking other appropriate measures, the Court may require from the medical experts or other competent authority such report as it considers necessary.

### **Article 132.- Duration of Confinement or Treatment.**

- (1) The competent administrative authority shall carry out the Court's decision concerning treatment and confinement. Treatment and confinement shall be of indefinite duration but the Court shall review its decision every two years. As soon as, according to expert opinion, the reason for the measure has disappeared the administrative authority shall, after \_\_\_\_\_ having \_\_\_\_\_ referred the matter to the Court and upon its decision, put an end to the measure ordered.
- (2) Although the cause due to which the measure was ordered is not fully eliminated, the Court may, at any time during the enforcement of the treatment or confinement, order the temporary suspension of such a measure in accordance with the administrative authority's report where its propriety has been confirmed by expert opinion. The Court shall release the criminal to the supervision of a selected protector for not less than one year and shall in addition impose such conditions as may be necessary (Art. 205).
- (3) Any order made under this Article may at any time be revoked where public safety or the condition of the released person so requires. If the probation period is successfully undergone, the release shall be final.

### **Article 133.- Effect of Limited Responsibility upon Penalty.**

- (1) In the case of criminals of limited responsibility, subject to the determination of penalty under Article 49, the Court shall when necessary, after having suspended the sentence temporarily, order his confinement (Art. 130) or his treatment in a suitable institution (Art. 131).
- (2) Upon termination of the measure ordered the court shall, upon a report made by the management of the institution or the responsible protector, decide whether the enforcement of the

penalty is still necessary and determine in accordance with the provision of Article 116 of this Code whether or not the period of confinement or treatment should be deducted from the sentence unserved.

The Court shall take into account the gravity of the crime committed, the antecedents and character of the criminal, the effect the internment or treatment had upon his condition and the likelihood of his permanent recovery.

- (3) No penalty shall be enforced where the Court considers it inexpedient so to do.

## **Section II.- GENERAL MEASURES FOR PURPOSES OF PREVENTION AND PROTECTION**

### **Article 134.- Principle.**

The general preventive and protective measures provided in this Chapter may be applied together with the principal penalty or after the principal penalty has been undergone when, in the opinion of the Court, the circumstances of the case justify.

All such measures must be specifically ordered by the Court on such conditions and in all such cases as it deems necessary, notwithstanding that no provision is made in the Special Part of this Code for their application.

### **Sub-section I.- Measures of a Material Nature**

#### **Article 135.- Guarantee of Good Conduct; Principle.**

- (1) When a convicted person indicates his intention to commit a further crime or when it is likely that he will commit a further crime as in a case of declared hostility or threat, the Court may require him to enter into a recognizance to be of good behaviour together with a surety or sureties.
- (2) The recognizance shall be for a period of from one to five years. The surety shall be in the form of a personal or monetary guarantee.
- (3) The Court shall determine the duration of the recognizance and the value of the guarantee according to the nature and gravity of the threat and having regard to the personal and material circumstances of the criminal or his guarantors.

The recognizance of the guarantee shall be recorded in the judgment.

#### **Article 136.- Refusal of Recognizance or Guarantee.**

- (1) If the person by whom the commission of a crime is feared refuses to enter into the required recognizance or if, by ill-will or bad faith, he does not name a guarantor or deposit the required surety within the specified time, the Court shall order him to be detained until he complies.

(2) The Court shall at the same time determine the duration of such detention. Save in exceptional circumstances such as a renewal of the threats or the obvious persistence of the dangerous disposition or ill-will of the person concerned, the detention shall not exceed three months.

The Court may, on application for good reason release the convicted person under supervision (Art (148) or grant a further detention for a period of not more than three months, if safety so requires. The

total period of detention may in no case exceed six months.

(3) When adequate sureties or guarantees are furnished the prisoner shall be set free.

### **Article 137.- Legal Effect.**

When the probation period specified in the recognizance has elapsed without any crime having been committed the guarantee shall be discharged, the guarantors released and the sums or sureties lodged returned to their owners. If a crime is committed during the probation period, the surety shall be forfeited to the State or the guarantor required to discharge his obligation, without prejudice to the ordinary penalties

and measures to which the criminal is liable for his crime.

### **Article-138.-Inability to Furnish a Guarantee.**

If the person by whom the commission of a crime is feared is through no fault of his own, unable to furnish the surety or personal guarantee required, the Court shall order that he be set free and placed under supervision (Art. 148).

### **Article 139.- Repetition of the Measure.**

(1) The Court may order a person who has entered into a recognizance to enter into a fresh recognizance where circumstances particularly fresh threats by, or dangerous disposition of the criminal justify (Art 135).

(2) However, where the said person has been previously detained for the maximum period of six months specified in Article 136(2) second paragraph, he may not be detained again if he refuses to enter into the fresh recognizance. If a further order is required it shall be an order of supervision (Art. 148).

Where the nature of the threat falls under the provision of Article 580 nothing shall exclude the prosecution of the doer under the said Article.

### **Article 140.- Seizure of Dangerous Articles.**

(1) The Court shall order the seizure of all articles having been used or likely to be used for the commission of a crime, or which have



been obtained as the result of a crime, when they endanger public order, safety, health or decency.

It may order that the seized articles be either destroyed, rendered useless or handed over to a police or a criminological institute.

- (2) Interests of innocent third parties shall be protected and weapons or instruments the possession of which is not forbidden by law shall be returned to their owner.

**Article 141.- Common Provision: General Preventive Application.**

A person may, before prosecution or during trial, be required to enter into a recognizance to be of good behaviour where such person behaves or is likely to behave in a manner which threatens peace or security of the public or a member thereof.

An order for seizure of any dangerous article may where circumstances so justify be made on any person in accordance with Article 140 even in cases where such person cannot be charged or convicted.

**Sub-section II.- Measures Entailing Restrictions on Activities**

**Article 142.- Suspension and Withdrawal of a License.**

In the case of a grave or repeated crime committed by any physical or juridical person holding an official license entitling him/it to carry out any profession or activity the Court may, in addition to the penalty imposed, order the withdrawal of the license for a period of from one month to one year.

In cases of recidivism or of a particularly grave danger the license may be revoked for good.

Nothing in this Article shall affect the provisions of Article 123(c).

**Article 143.- Prohibition and Closing of an Undertaking.**

In addition to the penalty imposed upon the criminal the Court may order that any undertaking or establishment whether commercial, industrial, cultural or political which was utilized to commit or further the commission of a crime shall cease to function and be closed where the crime committed is a danger to public security.

The Court may order the winding up of such an undertaking where the crime committed entails a penalty of rigorous imprisonment exceeding

one  
year.

**Article 144.- Effect of Non-observance.**

- (1) Measures prescribing closing down, suspension or prohibition may be general or limited to a specified time, place or area as determined in the judgment.

They imply a prohibition of the continuance of the forbidden activity either by the convicted person or a third party by whatever name or management.

- (2) Infringements of a prohibition under this Article shall be punished under Article 459.

Where an establishment or centre has been reopened in violation of a prohibition it shall be wound up and the assets disposed of according to law.

**Sub-section III.- Measures Entailing a Restriction on Personal Liberty**

**Article 145.- Prohibition from Resorting to Certain Places.**

- (1) In addition to the penalty the Court may restrain the convicted person from having access to or remaining in certain places the resorting to which contributed to the commission of the crime or may expose the criminal to committing fresh crimes, in particular public-houses, inns, entertainment halls, markets and other public places.
- (2) The Court shall specify in its judgment the extent and duration of the restraint which may be from three months to one year.

**Article 146.- Prohibition to Settle Down or Reside in a Place.**

- (1) Where it becomes necessary for purposes protection as laid down in Article 145, a similar prohibition may be ordered in respect of settlement or residence in a town, village or a specified area.
- (2) It shall be of a temporary nature having regard to the gravity of the crime, the character of the criminal and the circumstances of the case. A temporary prohibition may be for a period of from one to ten years.

The Court shall give reasons for its decision and shall specify the territorial area to which the prohibition extends and its duration.

**Article 147.- Obligation to Reside in a specified Place or Area.**

- (1) Where a criminal is likely to cause further disturbance or pursue a life of crime, the Court may order the criminal to reside in a specified place or area where the likelihood of his committing further crimes is lessened.
- (2) The Court shall decide the place or locality where the criminal is to reside and its duration which shall not be less than one year and more than five years.
- (3) An order shall not be made under this Article where an order under Article 135 will meet the circumstances of the case.

**Article 148.- Placing under Supervision.**

- (1) Where such a measure appears necessary the Court may order that a convicted person be placed under police supervision.

Except as otherwise expressly provided by law in particular under Article 138 such a measure shall be ordered only in respect of a criminal who is proved to be dangerous by the gravity or repetition of his criminal acts and who was sentenced to at least a term of simple imprisonment of one year.

- (2) The Court shall prescribe the period of supervision, which shall be from one to five years.

Such supervision must be effected so as not to hinder the person who is the subject thereof in the exercise or resumption of his normal activities and living and not to prevent reinstatement.

The person subjected to supervision may be ordered to report himself either at regular intervals or when summoned so to do.

- (3) The Court may in an appropriate case order supervision by a protector (Art. 208), where such an order appears sufficient having regard to the circumstances of the case.

**Article 149.- Withdrawal of Official Papers.**

Where special reasons, relating to supervision or safety require, the Court may in addition order the temporary retention or withdrawal of the official papers or passport of the convicted person.

The reasons for such a measure and its duration shall be stated in the judgment.

**Article 150.- Prohibition from Residing in the Territory; Expulsion.**

- (1) If the convicted person is an alien and proves to be undesirable or dangerous the Court may order expulsion from the territory of the State either temporarily or permanently.

This measure may always be ordered in respect to a convicted person who has been sentenced to a term of simple

imprisonment of three years or more, or to an irresponsible or partially responsible criminal recognized by expert opinion as a danger to public order.

The duration of expulsion shall be specified in the judgment.

- (2) The Court shall, prior to its decision, consult the competent public authority.

Nothing in this Article shall affect the provisions of international conventions.

- (3) The application of any other measure does not preclude expulsion.

**Article 151.- Enforcement.**

- (1) The enforcement of an order of expulsion shall be the duty of the competent public authority and shall be effected in accordance with the relevant administrative regulations.
- (2) In the case of a sentence entailing loss of liberty the order of expulsion shall be carried out after the sentence has been served or remitted through pardon or amnesty.
- (3) In the case of a criminal whose responsibility is limited and when circumstances so justify the penalty may be first enforced and expulsion substituted for the ordinary measures of safety (Art.130) or treatment (Art.131).

In the case of an irresponsible person expulsion may, if appropriate in the circumstances of the case, be substituted for the measures of confinement or treatment.

**Article 152.- Suspension of the Measures by way of Probation.**

When a criminal has been sentenced to a penalty entailing loss of liberty and his conditional release is ordered, the suspension of the order concerning prohibition from residing in a specified place, obligatory residence or expulsion may be ordered by the Court by way of probation and subject to possible revocation, on such general terms and under such guarantees as are provided by law (Art. 207).

**Article 153.- Penalty in Case of Violation of Safety Provisions.**

Infringements of the provisions relating to prohibition from resorting to certain places, or from residing or settling in the country, obligatory residence and the obligation to subject oneself to such supervision as is ordered, as well as prohibition from entering the territory of the State in case of expulsion, shall be punished under Articles 459 and 465.

#### **Sub-section IV.- Measures for Purposes of Information**

##### **Article 154.- Notification to the Competent Authority.**

In every case where the Court pronounces a secondary penalty or a protective or preventive measure as provided in the foregoing Sections, it shall notify without delay the administrative, civil, military or police authority concerned or any other competent public authority with a view to the enforcement of the decision and the control of its observation.

It shall, in each case, determine to what extent the decision shall be made publicly known in order to ensure its efficacy.

##### **Article 155.-Publication of the Judgment.**

- (1) Whenever the general interest or that of the accused or of the injured person so requires the Court shall order the publication of the judgment or parts thereof.

Such publication shall be ordered as a matter of course when it serves the public interest; it shall be effected only on a written request by the interested party when it serves private interests.

- (2) The Court shall determine the conditions under which the publications shall take place and their number, according to usage, the circumstances of the case and expediency.

Publication may be effected by means of posters in a public place, or through other mass media.

##### **Article 156.- Entry in Judgment Register.**

- (1) Penalties and measures pronounced in a judgment shall be entered in the judgment register of the person concerned in cases where such an entry is required by law and in accordance with the provisions of the order relating thereto.

These provisions shall also determine the particulars to be included in the entries and their duration, the extent to which they may be communicated to other people having a justified interest therein, as well as the conditions under which they may be cancelled and the effect thereof in case of reinstatement.

- (2) As a general rule, extracts from entry in judgment register are intended to enable the competent judicial authorities to ascertain the criminal antecedents of an accused person. They shall not be communicated to third parties or to offices which are not expressly entitled to take cognizance thereof, in order not to hinder the reinstatement of the convicted person.

## **CHAPTER IV**

### **MEASURES AND PENALTIES APPLICABLE TO YOUNG PERSONS**

#### **Section I.- Period Between Ages of Nine and Fifteen**

##### **Sub-section I.- Ordinary Measures.**

##### **Article 157.- Principle.**

In all cases where a crime provided by the criminal law or the Law of Petty Offences has been committed by a young person between the ages of nine and fifteen years (Art. 53), the Court shall order one of the following measures having regard to the general provisions defining the special purpose to be achieved (Art. 55) and after having ordered all necessary inquiries for its information and guidance (Art. 54).

##### **Article 158.- Admission to a Curative Institution.**

If the condition of the young criminal requires treatment and where he is feeble minded, abnormally arrested in his development, suffering from a mental disease, epileptic or addicted to drink, abuse of narcotic and psychotropic substances or other plants with similar effect the Court shall order his admission to a suitable institution where he shall receive the medical care required by his condition.

His treatment shall where possible include education and instruction.

##### **Article 159.- Supervised Education.**

- (1) If the young criminal is morally abandoned or is in need of care and protection or is exposed to the danger of corruption or is corrupted, measures for his education under supervision shall be ordered.

He shall be entrusted either to relatives or if he has no relatives or if these have proved to be incapable of ensuring his education, to a person (guardian or protector), a reliable person, or organization for the education and protection of children.

The supervisors mentioned in the preceding paragraph shall undertake in writing before the Court that they will, under their responsibility, see to the good behaviour of the young criminal entrusted to them.

The local supervisory authorities (Art. 208) shall be responsible for the control of the measure.

- (2) Specific conditions such as regular attendance at a school or the obligation to undergo an apprenticeship for a trade, the prohibition to associate with certain persons or resort to certain places, the obligation to appear personally before, or to report on certain dates to the supervisory authority may be imposed.

Such conditions may, according to their nature and purpose, be ordered either in respect to the young person or to the persons who vouch for his good conduct.

- (3) A recall or a formal admonition may, if necessary, be sent to such persons by the supervisory authority or the Court.

The custody and education of an infant may at all times be withdrawn from the person or organization entrusted therewith if they prove to be incapable of discharging their trust in a proper manner.

#### **Article 160.- Reprimand; Censure.**

- (1) When such a course seems appropriate and designed to produce good results the Court may reprimand the young criminal.

It shall direct his attention to the consequences of his act and appeal to his sense of duty and his determination to be of good behaviour in the future.

- (2) This measure may be applied alone when the Court deems it sufficient for the reform of the young criminal, having regard to his capacity of understanding and the not serious nature of the crime or the circumstances of its commission.

If expedient, it may be coupled with any other penalty or measure.

#### **Article 161.- School or Home Arrest.**

In cases of small gravity or when the young criminal seems likely to reform, the Court may order that he be kept at school or in his home during his free hours or holidays and perform a specific task adapted to his age and his circumstances.

The Court shall determine the duration of the restraint in a manner appropriate to the circumstances of the case and the degree of gravity of the crime committed.

It shall order the necessary steps for ensuring strict enforcement under supervision.

#### **Article 162.- Admission to a Corrective Institution.**

The Court may order his admission into a special institution for the correction and rehabilitation of young criminals, taking into

account the bad character, antecedents or disposition of the young criminal as well as the gravity of the crime and the circumstances under which it was committed.

The young criminal shall there receive, under appropriate discipline, the general, moral and vocational education (apprenticeship) needed to adapt him to social life and the exercise of an honest activity.

#### **Article 163.- Duration of the Measures.**

- (1) Measures for treatment (Art. 158) and supervised education (Art. 159) shall, as a general rule, be applied for such time as is deemed necessary by the medical or supervisory authority and may continue in force until the young criminal has come of age (eighteen years).

They shall cease to be applied when, in the opinion of the responsible authority, they have achieved their purpose.

- (2) The sending to a corrective institution (Art. 162) shall, as a general rule, be ordered for a period of not less than one year nor exceeding five years, in no case shall it extend beyond the coming of age of the young criminal.

The judgment shall fix the duration in each case.

Conditional release by way of probation after detention for one year may be ordered under such general conditions as are provided by law (Art. 205) and subject to the application of rules of conduct and submission of the released criminal to the control of a protector (Art.208) during the fixed probation period.

#### **Article 164.- Variation of the Measures.**

On the recommendation of the management of the institution the Court may vary an order made under the preceding Articles when such variation will benefit the young criminal.

#### **Article 165.- Legal Effect of the Measures.**

A young person in regard to whom one of the aforesaid curative, educational or corrective measures has been ordered shall not be regarded as having been sentenced under criminal law.

#### **Sub-section II.- Penalties**

#### **Article 166.- Principle.**



Where measures under Articles 158-162 have been applied and have failed the Court may sentence a young criminal to one of the following penalties, after having ordered such inquiries to be made as may seem necessary (Art. 54).

**Article 167.- Fine.**

- (1) In cases where the young criminal is capable of paying a fine and of realizing the reason for its imposition, the Court may sentence him to a fine, which shall be proportionate to his means and the gravity of the crime.

A fine may be imposed in addition to any other penalty.

- (2) The provisions regarding the substitution of other penalties for fine and the consequences of non-payment (Art. 94-95) are not applicable to young criminals.

Should a young criminal deliberately fail to pay the fine within a reasonable time fixed by the judgment the fine may be converted into school or home arrest (Art. 161) for such time as shall be fixed by the Court.

**Article 168.- Imprisonment.**

- (1) When a young criminal has committed a serious crime which is normally punishable with a term of rigorous imprisonment of ten years or more or with death the Court may order him to be sent:

- (a) either to a corrective institution (Art. 162) where special measure for safety, segregation or discipline can be applied to him in the general interest; or
- (b) to a penitentiary detention institution if he is incorrigible and is likely to be a cause of trouble, insecurity or corruption to others. The principle of segregation shall be applied in this case (Art.110(2)).

- (2) The Court shall determine the period of detention to be undergone according to the gravity of the act committed and having regard to the age of the criminal at the time of the crime. It shall not be for less than one year and may extend to a period of ten years.

When the criminal was sent to a corrective institution he shall be transferred to a detention institution if his conduct or the danger he constitutes renders such a measure necessary, or when he has attained the age of eighteen years and the sentence passed on him is for a term extending beyond his majority.

In such a case the Court shall take into account, in determining the duration of the detention to be undergone, the time spent in the corrective institution and the results thereby obtained.

- (3) Detention shall take place under the regime of simple imprisonment (Art. 106) and conditional release may be granted under the usual conditions provided by law (Art. 113) if the young criminal appears to have reformed.

### **Sub-section III.- Common Provisions**

#### **Article 169.- Petty Cases; Waiving of Penalty for Definite Reasons.**

In case of a less serious crime, when six months at least have elapsed since the crime was committed the Court may order no measure or penalty if it appears to be no longer necessary or expedient.

Such shall be the case in particular when educational or corrective measures or suitable punishment has already been imposed by the parental or family authority, or when the young criminal is of good behaviour and seems to be reformed and no longer to be exposed to a risk of relapse.

#### **Article 170.- Special Period of Limitation.**

- (1) When half the ordinary or the special period of limitation (Arts. 217, 218) has expired since the day on which the crime was committed, the Court may, if circumstances seem to justify such a decision, renounce imposing any measure or penalty except in the cases of serious crimes mentioned in Article 168.
- (2) In the case of serious crimes mentioned under Article 168, the general rules governing the limitation of the prosecution and the sentence shall apply.

#### **Article 171.- Suspended Sentence and Period of Probation.**

The general rules regarding the suspension of the sentence or of its enforcement with submission for a specific time to a period of probation under supervision (Arts. 190-200) shall, as a general rule, remain applicable to young criminals if the conditions for the success of such a measure seem to exist and subject to the rule concerning serious crimes as defined in Article 168.

The duration of the period of probation shall be fixed between one and three years.

#### **Article 172.- Effect of Measures and Penalties upon Civil Rights.**

The measures and penalties imposed upon a young criminal shall not result in the loss of his civil rights for the future, save

in exceptional cases where the Court regards it as absolutely necessary on account of the special gravity of the crime committed within the meaning of Article 168.

**Article 173.-Preventive and Protective Measures of a General Nature.**

The provisions concerning forfeiture to the State (Art.100), the seizure of dangerous articles (Art, 140) as well as the prohibition from resorting to certain places (Art. 1.46) shall be applicable to young criminals.

The Court may in addition order the expulsion (Art. 150) of an alien under age who proves to be unamenable to reform and dangerous for the community, at the end of the period of corrective detention.

Due notice shall be given to the appropriate public authorities, guardians or institutions (Art. 154) of all measures taken and penalties imposed upon young criminals.

**Article 174.- Publication of Judgment and Entry in Judgment Register.**

The publication of the judgment in respect to young criminals shall never be effected through the mass media (Art. 155).

The entry in the Judgment register (Art. 156) of the measures and penalties affecting them shall be made merely for the information of the official, administrative or judicial authorities concerned. In no case shall excerpts from their record be communicated to third parties.

**Article 175.- Cancellation of Entry and Reinstatement.**

On the application of the young criminal or of those having authority over him the competent authority may order the cancellation of an entry in his personal Judgment register of measures or penalties applied to him, except imprisonment, within two years from their enforcement if the normal conditions for reinstatement (Arts. 232-237) are fulfilled.

**Section II.- Period Between Ages of Fifteen and Eighteen**

**Article 176.- Normal Case.**

In the case of a crime committed by a young person belonging to the intermediary age group extending from the end of criminal minority (15 years) to legal majority (18 years), the Court applying the ordinary provisions of the law (Art. 56) may reduce the penalty within the limits it specifies (Art. 179), if the circumstances of the case seem to justify such a reduction.

In no case may death sentence be passed upon a criminal who had not attained his eighteenth year of age at the time of commission of the crime (Art. 117).

In the carrying out of penalties entailing loss of liberty the rule of segregation until majority (Art. 110(2)) shall be strictly observed.

#### **Article 177.- Special Case.**

- (1) Where a young criminal's physical or mental development is considered to be that of a young person below the age of fifteen or did not commit a serious crime and, according to expert opinion, still seems amenable to curative, educational or corrective measures provided in Section I of this Chapter in respect to young criminals, the Court may by stating its reasons therefor, instead of mitigating the ordinary penalty in accordance with the preceding provision, order one of the aforesaid measures or penalties, in particular his dispatch to a curative or corrective institution.
- (2) The curative, educational or corrective measure may under no circumstances be extended beyond legal majority (Art. 163).

The Court may, before the end of the period, review its order with a view to deciding what length of the period spent in a corrective institution is to be considered as part of the penalty where it deems it necessary, in particular where it is appropriate to order detention in a penitentiary establishment (Art. 168(2)) upon release from the corrective institution.

## **TITLE II DETERMINATION, SUSPENSION, DISCONTINUANCE AND EXTINCTION OF THE PENALTY**

### **CHAPTER I DETERMINATION AND SUSPENSION OF THE PENALTY**

#### **Section I.- Determination**

#### **Article 178.- Assessment of the Penalty in Case of Mitigation or Aggravation Provided by Law.**

Apart from ordinary cases of determination of the penalty in conformity with general principles (Art. 88) and where, by virtue of the law, a case arises of compulsory or optional mitigation or aggravation of the penalty the Court shall apply the following provisions.

#### **Sub-section I.- Rules Governing Mitigation and Exemption**

#### **Article 179.- Ordinary Mitigation.**

In all cases where the law provides that the Court mitigate the penalty under this Article, it shall, if it deems the mitigation justified, pronounce:

- (a) instead of capital punishment, rigorous imprisonment from twenty years to life;
- (b) instead of rigorous imprisonment for life, rigorous imprisonment from ten to twenty years;
- (c) instead of rigorous imprisonment for a specified minimum period, rigorous imprisonment for not less than the general minimum period of one year;
- (d) instead of rigorous imprisonment of at least one year, simple imprisonment from six months to five years;
- (e) instead of simple imprisonment for a specified minimum period laid down in the Special Part of this Code, simple imprisonment for not less than the general minimum period of ten days;
- (f) instead of simple imprisonment for not less than the general minimum period of ten days, compulsory labour or a fine.

**Article 180.- Free Mitigation.**

In cases where the law provides the mitigation without restriction of the penalty under this Article, whether compulsorily or optionally, the Court shall have power to determine it in accordance with the following principles:

The Court shall not be bound by the Kind of penalty provided in the Special Part of this Code for the crime to be tried, nor by the minimum which the provision provides; it may without restriction impose a sentence for a term shorter than the minimum period prescribed or substitute a less severe sentence for the sentence provided; however the Court shall be bound solely by the -general} minimum provided in the General Part, (Arts. 90, 106 and 108) as regards the penalty it imposes, whatever its nature may be.

**Article-181.-Common Provisions.**

In exercising its power of mitigation under the conditions and within the limits provided by law the Court shall always determine the nature of the sentence in accordance with the general principles governing criminal guilt (Art. 57).

In case of mitigation, whether ordinary (Art. 179) or free: (Art. 180), reparation of the damage caused (Art. 101) may always be ordered. The same applies to secondary penalties (Arts,-121-128) and to the various preventive, corrective and safety measures (Arts. 134-153) which the Court may deem necessary.

**Article 182.- Exemption from and Waiving of Penalty.**

The Court may exempt a criminal from any penalty whatever or waive the penalty in whole or in part, only in such cases as are expressly provided by law.

## **Sub-section II.- Rules Governing Aggravation**

### **Article 183.- Ordinary Aggravation.**

In general cases of aggravation provided by law (Art. 84) the Court shall determine the penalty without going beyond the maximum limit of the penalty specified in the relevant provision of the Special Part of this Code, taking into account the nature and the multiplicity of grounds of a aggravation, as well as the degree of guilt of the criminal.

### **Article 184.- Aggravation of Penalty in Case of Concurrent Crimes.**

(1) In case of material concurrence of crimes (Art. 85) the Court shall determine the penalty on the basis of the general rules set out hereafter, taking into account, for the assessment of the sentence, the degree of guilt of the criminal:

(a) where capital punishment or life imprisonment is determined for one of the concurrent crimes punishable with deprivation of life or liberty or where the maximum term of imprisonment provided under the provisions of this General Part (Arts. 106 and 108) is imposed for one of the concurrent crimes punishable with imprisonment of the same kind, this penalty shall, subject to the provisions of sub-article 1 (c) and (e) of this Article override any other penalties that would have been imposed on the other concurrent crimes.

However if, instead of one of the penalties specified above, a sentence of imprisonment below the maximum laid down in the General Part of this Code has been passed for the most serious crime, the Court shall aggravate the sentence on account of the other concurrent crimes in accordance with sub-article (1) (b) of this Article.

(b) in case of two or more concurrent crimes entailing loss of liberty the appropriate penalty for each crime shall be determined and added. However, the duration of the total penalty may not go beyond the general maximum fixed in the General Part of this Code for the kind of penalty applied.

In case of concurrent crimes entailing simple imprisonment and rigorous imprisonment, simple imprisonment of two years shall, for purposes of this Article, be deemed to be equivalent to rigorous imprisonment of one year.

(c) in case of concurrence between a penalty entailing loss of liberty and a fine the Court may impose both penalties. When

imposing the sentence it shall apply the provision of sub- article (1)(b) in case of imprisonment, and the provision of sub-article (1 )(d) in case of fine.

(d) in case of two or more concurrent crimes entailing fine the appropriate penalty for each fine shall be determined and added. Without prejudice to cases where the criminal acted for gain (Art.92), the total amount may not, exceed the general maximum prescribed in the General Part of this Code.

(e) where the Court orders the forfeiture of the criminal's property in case of one of the concurrent crimes, it may not impose a fine on account of the other crime.

- (2) Where there exists concurrence of crimes as defined in Article 60(c) of this Code the punishment shall, unless otherwise provided, be determined in accordance with the provisions of sub-article (1) of this Article.
- (3) Any secondary penalty or preventive, corrective or safety measure may be applied even though its application is justified under only one of the relevant provisions or in respect of only one of the concurrent crimes.

#### **Article 185.- Special Case.**

- (1) In case of related crimes, when one of them was committed with the intent of making possible, facilitating or cloaking another crime, the Court shall aggravate to the maximum permitted by law the penalty determined under the preceding Articles.
- (2) Where such concurrence constitutes a special aggravated crime such as aggravated murder or robbery according to the Special Part of this Code, the appropriate provisions shall apply.

#### **Article 186.- Retrospective Concurrence.**

- (1) Where it is discovered that another concurrent crime had been committed before judgment by a criminal while serving or after having served a sentence for a crime for which he was convicted, the Court shall assess sentence, so that the criminal is not punished more severely than if all the crimes had been tried together.
- (2) The Court, taking into account the penalty already imposed, shall determine the appropriate penalty in accordance with the preceding Articles.
- (3) Where different penalties have been imposed in separate trials before different Courts or divisions on charges which should have been tried together the aggregate sentence shall be determined in accordance with the preceding Articles.

#### **Article 187.- Aggravation of Penalty in Case of Notional Concurrence.**

- (1) Where by one and the same act the criminal committed a breach of several criminal provisions (notional concurrence Article 65),

the Court may aggravate the penalty according to the provisions of Article 184 particularly where the criminal's deliberate and calculated disregard for the law or the clear manifestation of the criminal's bad character so justifies aggravation.

In other cases the Court may only impose the maximum penalty prescribed by the most severe of the relevant provisions.

- (2) In case of notional concurrence resulting in crimes with different material consequences, the Court shall aggravate the penalty as follows:
  - (a) where at least one of the concurrent crimes committed by the criminal is intentional (Art. 66(1)(a) and (b)), the penalty shall be determined in accordance with the provision of Article 184.
  - (b) where the concurrent crimes are committed negligently (Art. 66(1)(c)), a penalty shall be imposed without exceeding the maximum penalty prescribed in the Special Part of this Code for the most serious crime.
  - (c) where the criminal intentionally committed crimes endangering public security or interest (Art. 66(2)), the penalty shall be aggravated in accordance with the provision of Article 184.

**Article 188.- Aggravation in Case of Recidivism.**

- (1) Where a fresh crime is committed in the circumstances specified under Article 67 of this Code, the Court shall aggravate the penalty, and may pass a sentence exceeding the maximum penalty laid down in the Special Part of this Code for the fresh crime.

It may double the penalty provided in the Special Part of this Code for the fresh crime or for the most serious fresh crime in case of concurrence.

- (2) Having regard to the nature and multiplicity of crimes, the degree of guilt and the danger represented by the criminal, the Court may, without being bound by the maximum penalty provided in sub-article (1) above, aggravate up to the maximum penalty laid down in the General Part of this Code for the kind of punishment applied.

Where the criminal is a persistent recidivist the Court shall aggravate the sentence by going beyond double the penalty prescribed for the fresh crime.

- (3) The penalty to be determined under the provisions of sub-article (1) or (2) of this Article shall in no case exceed the maximum penalty prescribed in the General Part of this Code for the kind of penalty applied (Arts. 106 and 108).



### **Sub-section III.- Cumulation of Extenuating and Aggravating Circumstances**

#### **Article 189.- Cumulation of Different Extenuating and Aggravating Circumstances.**

In case of different extenuating and aggravating circumstances, the Court shall determine the penalty as provided below:

- (1) In the event of concurrent general aggravating and extenuating circumstances the Court shall first fix the penalty having regard to the aggravating circumstances (Art. 183) and then shall reduce the penalty in light of the extenuating circumstances (Arts. 179,180).
- (2) Where in a case of recidivism the criminal has at the same time been convicted of concurrent crimes the Court shall first assess sentence for the concurrent crimes and then increase it having regard to recidivism.
- (3) When there exist different types of aggravating and extenuating circumstances specified in sub-article (1) and (2) above, the Court shall first fix the penalty having regard to the aggravating circumstances and then shall reduce the penalty in light of the extenuating circumstances.

### **Section II. – Suspension of Penalty**

#### **Sub-section I.- Conditional Suspension of Penalty**

##### **Article 190.- Principle.**

When the Court, having regard to all the circumstances of the case, considers that conditional suspension of the penalty will promote the reform and reinstatement of the criminal, it may order conditional suspension of the sentence as provided hereinafter.

Such an order implies an appeal to the cooperation of the criminal for his own reform and may at any time be revoked if circumstances show that it is not justified.

##### **Article 191.- Suspension of Pronouncement of the Penalty; Suspended Sentence.**

When the criminal has no previous conviction and does not appear dangerous and where his crime is punishable with fine (Art. 90), compulsory labour (Arts. 103 and 104) or simple imprisonment for not more than three years (Art. 106), the Court, after having convicted the criminal, may suspend sentence and place the criminal on probation, where it is of the opinion that such decision will lead to the reform of the criminal.

No conviction shall be entered when a criminal is placed on probation and does not break the conditions of his probation.

##### **Article 192.- Suspension of Enforcement of the Penalty.**

When the Court considers that the criminal, whether previously sentenced or not (Art.194), shall receive a warning it shall enter a conviction and pass sentence but may order that the enforcement of the sentence be suspended for a specified period of probation. The Court may not, however, suspend the enforcement of measures (Arts. 127-159).

If the probation is successfully undergone the sentence shall be remitted, but the conviction entered in the Judgment register shall remain with all its other consequences.

**Article 193.- Cumulation of Penalties, Divisibility of Suspension.**

If there is a cumulation of penalties, in particular when secondary penalties are imposed, the Court may, for public securities or general interest, decide not to extend the measure of suspension to some of the penalties on account of their preventive nature and the interest attaching to their enforcement.

**Article 194.- Disallowance and Withdrawal of Suspension.**

- (1) Suspension of the enforcement of a penalty shall not be allowed:
  - (a) where the criminal has previously already undergone a sentence of rigorous imprisonment or a sentence of simple imprisonment for a term exceeding three years and where he is sentenced again to one of these penalties for the crime for which he is tried, without prejudice to the provisions regarding recidivism (Arts. 67 and 188).
  - (b) where the criminal, having not been sentenced previously, is sentenced to a term of rigorous imprisonment exceeding five years for the crime for which he is now tried.
- (2) Similarly the Court may revoke the suspension granted:
  - (a) where, after having been granted a suspension of penalty, it is discovered that the criminal had committed a crime and where the nature and extent of the penalty, that would be imposed for the crime, satisfy the requirement under sub-article (1)(a) above; or
  - (b) where the criminal, having been granted suspension of penalty, intentionally commits a fresh crime during the period of probation Article 200 (2); or
  - (c) where the Court is of the opinion that the conditional suspension in the previous case will not produce good results.

**Article 195.- Enquiry.**

Where the Court is of the opinion that previous enquiry is necessary for the purpose of deciding whether suspension should be granted, it shall require information as to antecedents, character, living and working conditions of the criminal applying for suspension.

Information may be given by a supervisor or a reliable welfare worker or an officer of a charitable organization.

**Article 196.- Common Provisions: Period of Probation.**

- (1) In choosing either of the two forms of suspension (Arts. 191 and 192), the Court shall give grounds for its decision.

It may not give an order of suspension unless the antecedents, character and attitude of the accused afford a reasonable presumption that the suspension will produce good results.

- (2) The Court shall fix the probation period imposed upon the criminal taking into account the gravity of his crime, the risk of a relapse and his reliability.

The probation period shall be of at least two years and may not exceed five years.

**Article 197.- Conditions of the Probation.**

- (1) Conditional suspension shall follow upon the criminal entering into a formal undertaking to be of good conduct, to accept the requirements laid down, as well as to repair, to the fullest extent possible, the damage caused by the crime or to pay the indemnity to the injured person (Art. 101) as well as to pay the judicial costs within the time therefor.
- (2) The Court shall require a security for the undertaking. It may consist in a guarantee of a personal or material nature. It shall determine it having regard to the circumstances and the possibilities of the case.

**Article 198.- Rules of Conduct to be Imposed upon the Criminal.**

- (1) The Court shall specify the rules of conduct, protection and supervision, which appear to it to be necessary.

Such rules may prescribe, in particular, the requirement of learning a trade, residing, working or living in a particular place, refraining from consorting with certain people or consuming alcoholic beverages, remitting to the probationer's family, guardian or protector part of his earnings, undergoing a requisite treatment or subjecting himself to any other similar measure for securing the success of the probation.

- (2) Rules of conduct shall take into account the individual criminal's needs, according to the circumstances and the nature of the risk run and shall be framed with a view to his reform, in accordance with the provisions of the law.

They must not be inconsistent with the aims of the institution of suspension, nor prescribe requirements which are incompatible with the provisions of the law.

- (3) The rules of conduct laid down may be varied at the request of the probationer, his protector, guardian or guarantor, or on the application of the Attorney General where the necessity is apparent.

**Article 199.- Control and Supervision.**

- (1) Upon granting suspension the Court shall, if it is necessary, place the criminal under the supervision of a protector, guardian, probation officer or a charitable organization in general (Art. 208).

The protector or supervising officer shall keep in touch with the probationer: he shall visit him at home or at his place of work, make arrangements for his leisure hours, give him guidance and facilitate to the best of his ability his readjustment in life and his reform.

The protector or supervising officer shall exercise over the probationer a regular but unobtrusive control and report at least every three months and at more frequent intervals when necessary to the appropriate probation commission.

- (2) The organization and the duties of the probation commissions and probation officers shall be regulated by law.

**Article 200.- Effect of Failure of Probation.**

- (1) If during the period of probation the probationer infringes one of the rules of conduct imposed upon him, evades supervision or the authority of the charitable organization to which he is entrusted, commits a crime by negligence or in any other manner betrays the confidence placed in him, subject to his being prosecuted for the crime he negligently committed, a formal warning shall be addressed to him by the Court.

If necessary, fresh rules of conduct or the extension of the probation period originally fixed may be imposed within the limits permitted by law.

- (2) If the probationer persists in his attitude or has conduct despite this formal warning or if he intentionally commits a fresh crime during the probation period the measure of suspension shall be revoked by the Court but not before the probationer has been given an opportunity of being heard.

A second suspension cannot be awarded for a new crime intentionally committed.

- (3) In such a case the Court shall pronounce the penalty which it had suspended and order its enforcement or order the enforcement of the penalty which it has imposed.

If the measure of suspension is cancelled on the ground of a fresh and intentional crime, subject to the provisions regarding recidivism (Art. 188), the penalty shall be aggravated by adding the penalty for the fresh crime to the penalty pronounced or to be pronounced.

## **Sub-section II.- Conditional Release**

### **Article 201.- Principle.**

In all cases where a penalty or measure entailing loss of liberty provided by this Code is imposed anticipatory conditional release may be awarded by way of probation at the end of the period of enforcement provided by law, when the general requirements therefore are satisfied (Art. 202).

Conditional release must be regarded as a means of reform and social reinstatement. It must be deserved by the criminal to whom it is applied and must be awarded only in cases where it affords a reasonable chance of success.

### **Article 202.- Conditions for Release.**

- (1) Where a prisoner has served two-thirds of a sentence of imprisonment or twenty years in case of life imprisonment, the Court may, on the recommendation of the management of the institution or on the petition of the criminal, order conditional release:
- (a) if, during the requisite period of performance of the penalty or the measure entailing loss of liberty, the criminal, by his work and conduct, gave tangible proof of his improvement; and
  - (b) if he has repaired, as far as he could reasonably be expected to do, the damage found by the Court or agreed with the aggrieved party; and
  - (c) if the character and behaviour of the criminal warrant the assumption that he will be of good conduct when released and that the measure will be effective.
- (2) Notwithstanding the foregoing provisions, conditional release shall not be granted to persistent recidivists.

### **Article 203.- Information Concerning Conditional Release.**

- (1) Prisoners shall be informed upon their conviction and when entering the institution to which they are committed of the possibility and conditions of their anticipatory release.
- (2) The Director of the institution shall recommend release of the criminal where the conditions for granting release appear to have

been fulfilled or shall submit the petition of the criminal to be released together with his opinion.

**Article 204.- Period of Probation.**

Upon ordering conditional release the Court shall fix a period of probation which unless otherwise ordered, shall expire at the end of the sentence or the measure which remains to be undergone.

This period shall in no case be of less than two years nor, subject to any provision to the contrary, of more than five years. In the case of a criminal sentenced to life imprisonment the period of probation shall not be less than five years and not more than seven years.

**Article 205.- Rules of Conduct and of Supervision.**

- (1) Appropriate rules of conduct to be observed by the probationer during the period of probation shall be laid down in accordance with the foregoing general provisions (Art. 198).

They shall, in particular, take into account the age and character of the released prisoner, the risk to which he may be exposed and the degree of the reliability of his family, employment and social circumstances upon leaving the institution.

The fulfillment of these conditions shall, as far as possible, be prepared prior to release with the assistance of the management of the institution and the protection, guardianship or the competent public authority.

- (2) The released probationer shall, unless otherwise ordered, be subject to the supervision, direction and guidance of a protector or charitable organization (Art. 208). However, this measure may not be passed in cases where it cannot be enforced or where its enforcement is unnecessary.

**Article 206.- Result of Probation.**

- (1) The requirements for probation and conditions under which it can be revoked shall be governed by the foregoing general provisions (Art. 200).

- (2) When the conditional release has been revoked the released person shall be sent back to the institution from which he had been released.

The time spent in conditional liberty shall not be deducted from the term of the sentence or duration of the measure still to be undergone.

If a fresh crime has meanwhile been committed, subject to the provisions regarding recidivism (Arts. 67 and 188), the penalty to be pronounced for the new crime shall be added to the remaining penalty

- (3) If the released person is of good behaviour until the expiration of the period, of probation his release shall be final and his penalty extinguished.

**Article 207.- Effect of Prohibitions and Other Measures.**

- (1) When, in addition to a penalty entailing loss of liberty, a prohibition to practice a trade or profession (Art- 123(c)), to resort to certain places or there to reside, or obligatory residence or expulsion (Arts. 145-150) has been ordered, the Court may, in the event of conditional release and upon such release, order by way of probation, the suspension of the prohibition (Art. 152) if having regard to all the circumstances it seems desirable.

It shall be guided by the degree of reform of the released person, the disappearance or diminution of his dangerous disposition and the favourable effect that suspension may be expected to produce on his reinstatement.

- (2) The Court shall so decide after enquiry (if any) and on the recommendation of the penitentiary authority and the appropriate supervisory authority and the appropriate supervisory authorities.  
It shall determine the conditions, limitation or guarantees (security, control, etc.) upon which the attempt at resumption of normal life shall be conditioned.
- (3) When a conditionally released criminal has behaved himself in accordance with the rules of conduct imposed upon him without any blame and appears to be reformed such that it is not likely that he will again commit the crime for which a penalty restricting liberty or entailing expulsion was imposed, the additional penalty or measure that was imposed upon him shall no longer be applied.

**Sub-section III.- Supervision by a Charitable Organization**

**Article 208.- Principle.**

Supervision by a charitable organization is an essential feature of the system aiming at obtaining good results from the enforcement of penalties and measures and the various methods whereby such enforcement is carried out.

The placing under the supervision of a charitable organization is compulsory in all cases where the law so provides. In all other cases a criminal either conditionally or finally released may at all times voluntarily have recourse to the help or assistance of such an organization. The responsible charitable bodies shall be bound to afford him their assistance.

**Article 209.- Purpose and Duties.**

- (1) The duties of the charitable organizations consist in affording criminals who have to readjust themselves to life in the community, either during a period of suspension or after their conditional or final release from a penalty or a measure entailing lost of liberty, counsel, guidance and moral and material assistance with a view to achieving the purpose of reinstatement which is aimed at, and forestalling a future relapse.

The appointed charitable organization may, in particular, place the protected persons in employment or find for them, or assist them in finding, work, an employer, lodgings or relief, direct them as to the proper use of their savings or earnings and, generally, give them every other support necessary to enable them to lead an honest life.

- (2) It shall exercise regular supervision over them but with such discretion as is proper so as not to, risk impairing their rehabilitation, and report to the Court and to the competent authorities whenever necessary.

#### **Article 210.- Organization.**

- (1) The aforesaid duties shall be carried out by the association or groups, of a public or private character, which devote their activity thereto, with the assistance and under the control of the State.

They may be entrusted to a qualified protector or probation officer of unimpeachable morality, to be appointed from case to case.

Unless otherwise necessary they shall not be entrusted to police authorities.

- (2) The detailed conditions shall be regulated in law concerning the enforcement of penalties and orders dealing with this matter.

## **CHAPTER II**

### **DISCONTINUANCE AND EXTINCTION OF THE PROSECUTION AND THE PENALTY**

#### **Section I.- Absence of Accuser or Accused**

##### **Sub-section I.- Absence of Accusation or Complaint**

#### **Article 211.- Right of Complaint or Accusation in General.**



- (1) Prosecution with a view to a judgment and the enforcement of the penalty is a public proceeding and is instituted by the public prosecutor in all cases where the law does not otherwise expressly provide.
- (2) Prosecution by the public prosecutor does not exclude the right of lodging a complaint or accusation to the competent public authorities.

**Article 212.- Crimes Punishable upon a Formal Complaint.**

Where the law in the Special Part of this Code or in any other legislation that complements criminal law provides that a crime is punishable upon complaint, no charge shall be instituted against the criminal unless the injured party or his legal representative institutes a complaint.

**Article 213.- Time within which to Lodge a Complaint.**

The complaint must be lodged within three months from the day when the injured person knew of the criminal act or the criminal.

Upon expiration of this period of time he shall be deemed to have renounced so doing unless he was materially incapacitated from acting, and the complaint shall no longer be entertained.

Where a complaint is not made owing to the aforesaid ground, the period of three months shall run from the day on which the incapacity ceased to exist.

**Sub-section II.- Death of an Accused or a Convicted Person**

**Article 214.- Death of the Accused Prior to Conviction.**

A prosecution may neither be instituted nor continued where an accused person dies before the institution of a charge in a court or before the pronouncement of judgment.

**Article 215.- Death of a Convicted Person.**

Death of a convicted person after a sentence has been passed puts an end to the enforcement of the penalties and any measures pronounced.

**Section II.- Limitation as to Prosecution and Penalties**

**Sub-section I.- Limitation as to Prosecution**

**Article 216.- Principle and Effect.**

- (1) Unless otherwise provided by law, in all criminal cases the prosecution and the criminal action shall be barred and may no longer be instituted or brought upon the expiration of the legal period of time stated below.

Limitation extinguishes the liability to punishment in respect to any of the participants. As soon as the limitation period has elapsed neither a conviction nor penalties or measures may be pronounced.

- (2) Even where the defendant fails to raise the barring of the charge by a period of limitation the Court or the Prosecutor shall, at any time, consider the barring of the charge by limitation.

#### Article 217.- Ordinary Limitation Periods.

- (1) The limitation period of a criminal action shall be as follows:
  - (a) twenty-five years for crimes punishable with death or rigorous imprisonment for life;
  - (b) twenty years for crimes punishable with rigorous imprisonment exceeding ten years but not exceeding twenty-five years;
  - (c) fifteen years for crimes punishable with rigorous imprisonment exceeding five years but not exceeding ten years;
  - (d) ten years for crimes punishable with rigorous imprisonment not exceeding five years;
  - (e) five years for crimes punishable with simple imprisonment exceeding one year;
  - (f) three years for crimes punishable with simple imprisonment not exceeding one year, or with fine only.

- (2) In respect of concurrent crimes:

- (a) the period of limitation for one of the crimes shall apply to all of them where the maximum penalty of each crime is the same;
- (b) the period of limitation for the most serious crime shall apply to the other crimes where the maximum penalties of the concurrent crimes are different.

#### **Article 218 Special Periods.**

Subject to the provision of Article 213, the period of limitation of any crime punishable upon complaint shall be two years.

#### **Article 219 Calculation of Periods.**

- (1) Limitation periods shall be determined on the basis of the maximum penalty provided by the provision of the Special Part without regard to the extenuating or aggravating circumstances involved in the case.

Where the law penalizes the act with several penalties to be applied either alternatively or concurrently the periods shall be calculated on the basis of the most severe penalty.

- (2) The limitation period shall begin to run from the day on which the criminal first exercised his criminal activity.

If the criminal act was committed repeatedly the period shall begin to run from the day on which the last act was performed; if it was pursued over a period of time the period shall begin to run from the day on which it ceased.

Where achieving a given result is one of the constituents of the crime the period shall begin to run on the day on which this result occurred.

#### **Article 220.- Suspension of Period of Limitation.**

- (1) Limitation shall be temporarily suspended as long as there subsists a bar in law or in fact.

It shall also be suspended where a charge has been instituted and the case is undergoing a judicial proceeding, or where the decision in the criminal case against the defendant cannot be given until other proceedings have been completed.

Upon removal of the bar the period of limitation shall revive and continue its course.

- (2) In all cases where the law requires the lodging of a complaint for the institution of a prosecution the absence of this formality shall not prevent the limitation period from running.

Similarly, any act of the criminal voluntarily done to hinder the institution or continuation of the prosecution shall not prevent the limitation period from running.

#### **Article 221.- Interruption of Period of Limitation.**

The limitation period shall be interrupted by any order, act or decision for purposes of search, summons, prosecution or investigation in relation to the crime or the criminals.

Upon each interruption the whole period of limitation shall begin to run afresh.

The interrupting act shall be absolute as to its effect; it is effectual towards all the participants in the crime, whether known or unknown.

#### **Article 222.- Absolute Limitation.**

Whatever the circumstances may be the prosecution and the criminal action shall be barred in all cases when a period equal to double the ordinary period of limitation provided by law (Art. 217) has elapsed or, in cases where a special period applies (Art. 218), when such a period has been exceeded by half.

#### **Sub-section II.- Limitation of Penalties and Measures**

**Article 223.- Principle and Effect.**

- (1) Unless otherwise expressly provided by law, when for any reason whatsoever the sentence has not been enforced within the period of time stated below, the right to enforce it shall be extinguished and the penalty or measure pronounced no longer enforceable (Arts. 224-228).

The limitation of the principal penalty shall entail the limitation of any secondary penalties or measures. The limitation of the principal penalty shall also apply to the confiscation of property related with the penalty. However, where measures are imposed without principal penalties the provision of Article 224(d) shall apply.

- (2) Limitation must be carried out on their own initiative by all appropriate judicial or executive authorities.
- (3) Despite the non-execution of the sentence passed due to the expiry of the period of limitation, its entry shall remain in the judgment register of the criminal.

**Article 224.- Ordinary Periods of Limitation of Penalties and Measures.**

- (1) The period of limitation of the penalties or measures shall be as follows:
  - (a) thirty years for a death sentence or a sentence for rigorous imprisonment for life;
  - (b) twenty years for a sentence for rigorous imprisonment for more than ten years;
  - (c) ten years for a sentence entailing loss of liberty for more than one year;
  - (d) five years for all other penalties or measures.
- (2) In the event of concurrent penalties, the lighter penalties shall be barred at the same time as the most severe penalty.

**Article 225.- Calculation of the Period.**

- (1) The period of limitation shall run from the day on which the judgment, being final, was enforceable or, if the enforcement had commenced, from the day on which the convict evaded such enforcement.

When the convict was granted the benefit of a measure of suspension and such suspension was cancelled, the period shall start from the day on which the enforcement of the penalty was ordered.

- (2) Where concurrent penalties have been decided the period of limitation shall be calculated on the basis of the period of limitation for the most severe penalty.

**Article 226.- Suspension of Period of Limitation of Penalty and Measures.**

The limitation of the penalty or measure shall be suspended:

- (a) whenever penalty or measure cannot be carried out or continued under the provisions of the law, and as long as such impediment subsists;
- (b) as long as the convict enjoys the benefit of a measure of suspension or probation or was granted time for payment;
- (c) as long as he is imprisoned pursuant to a penalty entailing loss of liberty or an order of measure,

**Article 227.- Interruption of Period of Limitation of Penalty.**

Limitation shall be interrupted by any act for the enforcement, or aiming at the enforcement, of the penalty performed by the authority responsible for such enforcement.

**Article 228.- Absolute Period of Limitation of Penalties and Measures.**

The limitation of the penalty or the measure shall in all circumstances be final when the ordinary period (Art. 224) is exceeded by one half, save when, during this period, the criminal showed that he is dangerous by committing an intentional crime punishable with at least rigorous imprisonment.

**Section III.- Pardon and Amnesty**

**Article 229.- Pardon.**

- (1) Unless otherwise provided by law, a sentence may be remitted in whole or in part or commuted into a penalty of a lesser nature or gravity by an act of pardon of the competent authority.

Pardon may apply to all penalties and measures, whether principal or secondary and whatever their gravity, which are enforceable.

- (2) The conditions of pardon shall be governed by the relevant provisions of public law. The order granting pardon may determine the conditions to which it is subjected and its scope.

Pardon shall not cancel the sentence the entry of which shall remain in the judgment register of the criminal and continues to produce its other effects.

**Article 230.- Amnesty.**

- (1) Unless otherwise provided by law, an amnesty may be granted in respect to certain crimes or certain classes of criminals, either

absolutely or subject to certain conditions or obligations, by the appropriate competent authority, when circumstances seem to indicate that such a measure is expedient.

The conditions of granting amnesty shall be as provided by law.

The law shall specify its purpose, the beneficiaries and its scope.

- (2) An amnesty bars or discontinues any prosecution from the moment of its promulgation.

When a sentence has been passed an amnesty cancels it as well as all its other consequences under criminal law. The conviction shall be presumed to be non-existent and the entry deleted from the judgment register of the criminal.

#### **Article 231.- Civil Reparation and Costs.**

- (1) Pardon or amnesty shall not affect any civil reparation and the payment of damages to injured persons.
- (2) Unless otherwise provided by the order granting pardon or amnesty, costs incurred towards the State and which have not yet been collected shall be regarded as remitted by either measure.

#### **Section IV.- Reinstatement**

##### **Article 232.- Principle.**

- (1) A convict who has undergone his penalty or whose penalty is barred by limitation or has been remitted by pardon or whose penalty has been suspended on probation or who has been released conditionally may, at his request, obtain his reinstatement and the cancellation of his conviction, if he fulfils the conditions mentioned hereinafter.

Reinstatement must be deserved and shall never be granted as of right.

- (2) If the convict who satisfies the requirements prescribed by law is incapable of acting by himself or has died, the request may be made by his legal representative or a next-of-kin.

##### **Article 233.- Conditions for Reinstatement.**

Reinstatement shall be granted by the Court:

- (a) if in the cases of a penalty of rigorous imprisonment, a measure of permanent expulsion or a penalty of general confiscation of property a period of at least five years has elapsed since the penalty was undergone or barred by limitation or since the convict was released because his penalty was remitted by pardon, or since the penalty was suspended or since the convict was conditionally released, where he successfully underwent the period of probation

- in case of suspension of penalty or conditional release; in other cases, the period must be two years at least;
- (b) if the sentence has been enforced as regards any secondary penalties imposed;
  - (c) if the convicted person has paid the compensation, damages and costs ordered by the judgment in, so far as it could be expected from him having regard to circumstances; and
  - (d) if during the period specified in sub-article (a) above the convicted person was always of good behaviour and has not been convicted of a crime punishable with imprisonment.

The minimum period for the conditions of reinstatement specified in sub-article (a) above shall apply only as long as it does not affect the period regarding recidivism as laid down in Article 67 of this Code.

#### **Article 234.- Special Cases.**

- (1) When the penalty is barred by limitation reinstatement may not be ordered before the time at the earliest when the penalty pronounced would have come to an end if it had been undergone on the coming into force of the sentence.
- (2) When a notably praiseworthy act performed by the, applicant in the civil, military or social fields so justifies, reinstatement may be ordered prior to the expiration of the normal period of time.

#### **Article 235.- Effects of Reinstatement.**

Reinstatement, since it cancels the sentence, shall produce the following effects:

- (1) the convicted person is relieved, for the future, of any forfeitures of rights or privileges, incapacities and disqualifications and recovers the capacity to exercise his civil, family and professional rights;
- (2) the sentence shall be deleted from the judgment register and for the future be presumed to be non-existent;
- (3) a reproach referring to an old conviction made either by ill-will or any other reason shall come under the provisions of criminal law regarding defamation, and defences based upon justification or public interest shall not be admissible.

#### **Article 236.- Dismissal and Renewal of the Request.**

If the Court dismisses the request for reinstatement as unjustified it cannot be renewed before a period of two years has elapsed.

#### **Article 237.- Revocation of the Decision.**

Reinstatement shall be revoked and may no longer be granted when subsequently, within a period of five years, a fresh sentence to capital

punishment or rigorous imprisonment has been imposed upon the reinstated person by a judgment which is final.

## **PART II**

### **SPECIAL PART**

#### **BOOK III**

### **CRIMES AGAINST THE STATE OR AGAINST NATIONAL OR INTERNATIONAL INTERESTS**

#### **TITLE I**

### **CRIMES AGAINST THE STATE**

#### **CHAPTER I**

### **CRIMES AGAINST THE NATIONAL STATE**

#### **Section I.- Crimes against The Constitutional Order and the Internal Security of the State**

##### **Sub-section I. - Crimes Against the Constitution or the State**

#### **Article 238.- Outrages against the Constitution or the Constitutional Order.**

- (1) Whoever, intentionally, by violence, threats, conspiracy or any other unlawful means:
  - (a) overthrows, modifies or suspends the Federal or State Constitution; or
  - (b) overthrows or changes the order established by the Federal or State Constitution,  
is punishable with rigorous imprisonment from three years to twenty-five years.
- (2) Where the crime has entailed serious crises against public security or life, the punishment shall be life imprisonment or death.

#### **Article 239.- Obstruction of the exercise of Constitutional Powers.**

Whoever, by violence, threats or any other unlawful means, restrains or prevents any official or body constituted by the Federal or State Constitution from exercising their powers or forces them to give a decision, is punishable with rigorous imprisonment not exceeding fifteen years.

#### **Article 240.- Armed Rising or Civil War.**

- (1) Whoever intentionally:



- (a) organizes or leads a revolt, mutiny or armed rebellion against any official or body constituted by a Constitution; or
  - (b) raises civil war, by arming citizens or inhabitants or by inciting them to take up arms against one another, is punishable with rigorous imprisonment from ten years to twenty-five years.
- (2) Where the crime has entailed serious crises against public security or life, the punishment shall be life imprisonment or death.
- (3) Whoever of his own free will takes part in the movement mentioned in sub-article (1) of this Article is punishable with rigorous imprisonment from seven years to twenty years.
- (4) Where it is proved that the organizer or participant has caused injury to life, liberty, person, health or property or has committed another crime, he shall in addition be liable under the relevant provision of the law.

**Article 241.- Attack on the Political or Territorial Integrity of the State.**

Whoever, by violence or any other unconstitutional means, directly or indirectly, commits an act designed to destroy the unity of the peoples, or to destroy the Federation, or to sever part of the territory or population from the Federation or the State,

is punishable with rigorous imprisonment from ten years to twenty-five years, or, in cases of exceptional gravity, life imprisonment or death.

**Article 242.- Violation of Territorial or Political Sovereignty.**

Whoever, contrary to the national law, the principles of international law, rules or treaties:

- (a) enters the territory of the State for the purpose of there engaging in any subversive activity; or
- (b) proceeds, within the territory of the State, to perform on behalf of a foreign power or organization acts which are within the jurisdiction of the public authorities of Ethiopia, particularly investigations, searches or judicial inquiries, is punishable with simple imprisonment, or, in cases of exceptional gravity, with rigorous imprisonment not exceeding ten years.

**Article 243.- Unlawful Departure, Entry or Residence.**

- (1) Whoever intentionally:

- (a) departs from, enters into or resides in the territory of the State in violation of the national law; or
  - (b) causes any of the acts specified in (a) above to be committed,  
is punishable with simple imprisonment or fine or with both.
- (2) Whoever, with the intention of obtaining, directly or indirectly, advantage procures illegal entry of a person, who is not either a national or a permanent resident of Ethiopia, into the territory of another State or produces, procures, provides or possesses a fraudulent travel document or identity card for enabling illegal entry into the Ethiopia territory of the person or performs an act that enables him to illegally remain in Ethiopia without complying with the necessary legal requirements, is punishable with rigorous imprisonment from five years to ten years.
- (3) Where the life or safety of the migrant is endangered or is subjected to inhuman or degrading treatment as a result of the crime committed under sub-article (2) of this Article, the person who committed the crime shall be punishable from five years to fifteen years of rigorous imprisonment.
- (4) The punishment shall be in accordance with Article 90 of this Code where the assistance in the commission of one of the acts specified in sub-article (1)(a) of this Article is by a juridical person.
- (5) Where the act is clearly a petty offence, the relevant provisions of the Code of Petty Offences shall apply.

## **Sub-section II.- Injuries and Insult to the State**

### **Article 244.- Attacks against the State and National and other Emblems.**

- (1) Whoever, by word or by deed or in any other way, abuses, insults, defames or slanders the State in public,

is punishable with simple imprisonment for not less than three months or with a fine not less than five hundred Birr.

The act of defamation, slander, abuse or insult is deemed to be committed as defined under Articles 613 and 615.

- (2) Whoever, maliciously, or with contempt or any other similar intent, publicly tears down, sets on fire, destroys, injures, defaces, insults or in any other way abuses an officially recognized national emblem, such as the flag or insignia of Federal Ethiopia or the Regional States, is punishable with simple imprisonment for not less than three months or fine.

### **Article 245.- Unlawful use of Official Emblems.**

Whoever makes unlawful use, for any purpose, of such flags or insignia as mentioned under Article 244, is punishable with simple imprisonment or fine.

## **Section II.- Crimes against the External Security and Defensive Power of the State**

### **Article 246.- Attacks on the Independence of the State.**

Whoever commits an act intended to:

- (a) jeopardize or destroy the independence of the State; or
- (b) provoke intervention by a foreign State in the national affair, calculated to endanger its independence; or
- (c) initiate hostile acts by a foreign State against the Nation, or to involve it in a foreign war, hostilities, a blockade or occupation,

is punishable with rigorous imprisonment from five years to twenty-five years, or, in cases of exceptional gravity, with life imprisonment or death.

### **Article 247.- Impairment of the Defensive Power of the State.**

Whoever intentionally impairs the defensive power of the State:

- (a) by unjustifiable surrendering, or by destroying, sabotaging, or putting out of action any enterprise, installation or position, any means of production, trade or transport or any works, establishments, depots, armaments or resources of a military nature or intended for the defence of the country; or
- (b) by delivering troops to, or by recruiting a citizen of the State for, or encouraging his enlistment in, the military service of a foreign power, or by himself entering such service, if a citizen; or
- (c) by publicly instigating refusal to serve, mutiny or desertion, or by inciting a person liable to military service to commit any of these crimes; or
- (d) by obstructing, impeding or in any other way sabotaging military measures taken for the purpose of national defence,

is punishable with rigorous imprisonment from five to twenty-five years, or, in cases of exceptional gravity, such as in time of war or danger of war, with life imprisonment or death.

### **Article 248.- High Treason.**

Whoever, enjoying Ethiopian nationality or being officially entrusted with the protection of Ethiopian national interests:

- (a) takes up arms or engages in hostile acts against Ethiopia; or
- (b) has dealings with or keeps up a secret correspondence with a power at war with Ethiopia, or with a person or body acting on behalf of such power, for the purpose of ensuring or promoting the enemy's success in any manner whatsoever; or

(c) delivers to the enemy, whether directly or indirectly, an object, armament, plan, document or resources of any kind used for the national defence, or aids the enemy by rendering services or delivering supplies to him,  
is punishable with rigorous imprisonment from five to twenty - five years, or, in cases of exceptional gravity, with life imprisonment or death.

#### **Article 249.- Treason.**

- (1) Whoever, enjoying Ethiopian nationality or being officially entrusted with the protection of Ethiopian national interests:
  - (a) discloses, delivers, communicates or makes accessible to the public, to a foreign State, political party, organization, agent, a secret, a document, negotiations or a decision which the interests of Ethiopia demand shall not be divulged; or
  - (b) while acting as a representative of the State or while entrusted with the conduct on its behalf of negotiations with a foreign power, manifestly sacrifices the interests he is called upon to defend to those of the other power; or
  - (c) destroys, suppresses, purloins, causes to disappear or falsifies documents, papers or means of proof relating to the security, independence or vital interests of the State,  
is punishable with rigorous imprisonment not exceeding fifteen years.
- (2) In cases of exceptional gravity directly endangering the existence or independence of the State, the Court may impose rigorous imprisonment from ten years to twenty-five years.
- (3) Where the criminal has acted negligently, the punishment is simple imprisonment for not less than six months, which may be increased to five years rigorous imprisonment in cases of exceptional gravity.

#### **Article 250.- Economic Treason.**

- (1) Whoever, enjoying Ethiopian nationality, or being officially entrusted with the protection of Ethiopian national interests:
  - (a) discloses, delivers, communicates or makes accessible to the public or abroad economic negotiations, decisions, facts or documents kept secret in the higher interests of Ethiopia or in those of national defence; or
  - (b) discloses or delivers objects, means or other things of such a nature entrusted to him; or
  - (c) participates in or subscribes to a loan floated by a country in a state of war with Ethiopia, is punishable with rigorous imprisonment not exceeding ten years. In more serious cases, the rigorous imprisonment may extend up to twenty years.
- (2) Where the criminal has acted negligently, the punishment is simple imprisonment for not less than three months.

### **Article 251.- Collaboration with the Enemy.**

Whoever enjoying Ethiopian nationality or being officially entrusted with the protection of Ethiopian national interests, in time of war or of total or partial occupation of the territory of Ethiopia, helps the enemy with advice or by deed, with the intention of promoting the objective of the enemy, in particular:

- (a) by exercising on his behalf civil or administrative functions in the judicial, police or prisons services, or in custody, transport or other services; or
- (b) by denouncing or handing over to him patriots or fugitives seeking to escape from his restraint; or
- (c) by entering any propaganda, publishing or press service designed to promote the interests of an enemy or occupying power; or
- (d) by engaging, directly or through an Intermediary, in dealings involving economic collaboration with such enemy or power,

is punishable with rigorous imprisonment not exceeding twenty years, or in cases of exceptional gravity, with rigorous imprisonment for life or death.

### **Article 252.- Espionage.**

- (1) Whoever, on behalf of a foreign State, political party or organization, and to the detriment of Ethiopia or of its institutions, organizations or nationals:

- (a) organizes, engages in or encourages a political, diplomatic, military or economic intelligence service, or recruits or employs another person for such service; or
- (b) collects, transmits, delivers or makes available information of this nature which is secret or is not a matter of public knowledge, to an official service or to a private service or to its agents,

is punishable with rigorous imprisonment not exceeding ten years, where the espionage is harmful to the State or to the public interest, or with rigorous imprisonment not exceeding five years where it is harmful to private persons or undertakings.

- (2) Where the information divulged is calculated directly to endanger the internal or external security of the State, the punishment is rigorous imprisonment not exceeding twenty years. In cases of exceptional gravity, and especially in the case of political, diplomatic or military espionage carried out in time of war or danger of war, the criminal is punishable with rigorous imprisonment for life, or, where the vital interests of Ethiopia are at stake, with death.

### **Article 253.- Protection extended to Allied Powers.**

The punishments prescribed in this Section shall also apply where one of the crimes thereunder has been committed to the detriment of a power in alliance with or associated with Ethiopia, wherever the legislation of such power provides for reciprocity.

### **Section III.- Common Provisions**

#### **Article 254.- Indirect Aid and Encouragement.**

- (1) Whoever, being aware that a crime under Articles 241-246, 252-258 has been committed, or attempted or is being prepared, fails to inform the authorities thereof, or does not to the best of his ability try to prevent the crime from being carried out and to bring the criminal to justice, save in cases of force majeure or manifest impossibility,

is punishable with rigorous imprisonment not exceeding five years.

- (2) When the crime is committed in time of internal or external emergency, the punishment shall be rigorous imprisonment not exceeding ten years.
- (3) Official or professional secrecy cannot be invoked to evade the obligation to inform the authorities.
- (4) Kinship or close ties of affection with the perpetrator of the crime cannot be invoked as an excuse in the above-mentioned cases (Art. 83).

#### **Article 255.- Attempted Incitement and Assistance.**

Where the crimes under Articles 238-242, 246-252 have not been attempted, incitement (Art. 36(2)), assistance (Art. 37(3)), or an attempt to incite or assist (Art. 27(2)), in such crimes,

is punishable with simple imprisonment from one month to five years, or with rigorous imprisonment not exceeding ten years in cases where the foreseeable consequences of the activities are particularly grave.

#### **Article 256.- Material preparation of Subversive Acts.**

Whoever, for any of the purposes specified under Articles 238-242, 246-252:

- (a) recruits, organizes or brings into a country troops, guerillas, bandits or mercenaries; or
- (b) prepares, stores up or imports arms, munitions, provisions, money Or such material means,

is punishable with rigorous imprisonment not exceeding fifteen years.

#### **Article 257.- Provocation and Preparation.**

Whoever, with the object of committing or supporting any of the acts provided under Articles 238-242,246-252:

- (a) publicly provokes them by word of mouth, images or writings; or
  - (b) conspires towards, plans or urges the formation of, a band or group with other persons, whether within or outside the country; or
  - (c) joins such band or group, adheres to its schemes or obeys its instructions; or
  - (d) enters into relations or establishes- secret communication with a foreign government, political party, organization or agent; or
  - (e) launches or disseminates, systematically and with premeditation, by word of mouth, images or writings, inaccurate, hateful or subversive information or insinuations calculated to demoralize the public and to undermine its confidence or its will to resist,
- is punishable with simple imprisonment, or where the foreseeable consequences of his activities are particularly grave, with rigorous imprisonment not exceeding ten years.

#### **Article 258.- Aggravation to the Crime.**

In all cases in this Chapter for which the law provides the alternative of rigorous imprisonment for life or death, the Court shall pass sentence of death:

- (a) where the crime has been committed during or under threat of internal disturbance, in time of danger of civil or foreign war or foreign interference, or where martial law or any officially recognized state of emergency has been declared; or
- (b) where the acts are the a conspiracy brought to fruits carried out by an organized armed band: or
- (c) where the criminal has made use of resources, arms, means or support furnished from abroad or by foreign political parties of organizations; or
- (d) where the criminal has used bombs, dynamite explosive or other terrorist methods constituting a public danger.

#### **Article 259.- Additional penalties and measures.**

- (1) In all cases punishable under this Chapter with rigorous imprisonment, the Court may also impose a fine not exceeding one hundred thousand Birr where the criminal exercises or has been given an authorized power or leadership assignment, or where he has acted for motives of self-interest.
- (2) Where a foreign national has been sentenced to rigorous imprisonment for five years or more, his expulsion on completion of his sentence shall be ordered.
- (3) In all cases of treason, espionage or transmission of secrets, the material, correspondence or documents connected with the crime shall be confiscated.

### **Article 260.- Confiscation of Property.**

Whoever being an Ethiopian national, or being officially entrusted with the protection of Ethiopian national interests is found guilty and convicted of any one of the crimes under Articles 238, 240 and 241, or 246- 251 and 252(2) of this Chapter, the Court may, in addition to the principal penalty, order the confiscation of the criminal's property **within** the limits specified by law (Art, 98).

## **CHAPTER II**

### **CRIMES AGAINST FOREIGN STATES**

#### **Article 261.- Hostile Acts Against a Foreign State.**

Whoever, within the territory of Ethiopia and at the risk of endangering peaceful relations with foreign countries:

- (a) attempts to disturb, by subversive activities, by slander, by malicious propaganda or by violence, the internal political order or security of a foreign State; or
  - (b) infringes a governmental decision, duly published in the Federal **Negarit Gazeta** or officially declared by other means, taken for the purpose of safeguarding Ethiopia's neutrality during a foreign war; or
  - (c) provokes, undertakes or encourages acts hostile to a foreign belligerent power,
- is punishable with simple imprisonment for at least three months, or, in cases of exceptional gravity, with rigorous imprisonment not exceeding ten years.

#### **Article 262.- Outrages against Foreign Heads of State, Representatives and Other Persons **Enjoying** Protections under International Law.**

- (1) Whoever, within the territory of the State of Ethiopia makes an attack on or endangers the life, liberty or security of head of State or Government, Ministry of Foreign Affairs, representative of a foreign **state** or his family accompanying him or any official or agent of international organization or any other person **enjoying** protections from any attack under **international** Law; or endangers his official premise, private accommodations or means of transport; or **utters a** threat to commit one of the acts specified above;

is punishable with rigorous imprisonment not exceeding ten years.



- (2) Where the death of persons specified in sub-article (1) above ensued during the commission of a crime, the relevant provisions relating to homicide shall apply.

**Article 263.- Violation of Foreign Sovereignty.**

Whoever, contrary to public international law, for the purpose of engaging in unlawful, subversive or dangerous activities:

- (a) enters the territory of a foreign State; or  
(b) improperly performs on the territory of such State acts falling within the jurisdiction of the public authorities,  
is punishable with simple imprisonment, or, in more serious cases, with rigorous imprisonment not exceeding three years.

**Article 264.- Insults to Foreign States.**

- (1) Whoever in any way publicly abuses, insults, defames or slanders by word of mouth or by deed, a foreign State, either directly or in the person of its Head, of one of its constituted authorities, of one of its accredited diplomatic representatives or of one of its official representatives or delegates in the territory of Ethiopia,

is punishable with simple imprisonment or fine.

- (2) In grave cases, especially in a case of **slander**, simple imprisonment shall be for not less than **three** months.

**Article 265.- Insults to the Official Emblems of Foreign States.**

Whoever, out of ill-will, hatred, contempt or improper motives tears down, destroys, defaces, insults or in any other way abuses the emblems of sovereignty of a foreign State with which Ethiopia maintains peaceful relations, particularly its **insignia** or national flag publicly hoisted by an **official** representative of such State,

is punishable with simple imprisonment or fine.

**Article 266.- Insults to inter- State Institutions.**

Whoever publicly insults the representatives or **the** official emblems of an inter- State institution or organization of which Ethiopia is a member, is liable to the punishment provided for under Article 265.

**Article 267.- Reciprocity.**

The provisions relating to crimes against foreign States laid down in this Chapter shall apply only to States whose legislation grants reciprocal protective **treatment** to Ethiopia.

Nothing in this **Article** shall affect the provision of Article 253.

**Article 268.- Condition of Prosecution.**

Prosecution for a crime under this Chapter can only be instituted where a complaint is lodged by the concerned State or organization and on the approval of the Federal Minister of Justice.

**TITLE II  
CRIMES IN VIOLATION OF INTERNATIONAL LAW**

**CHAPTER I  
FUNDAMENTAL CRIMES**

**Article 269.- Genocide.**

Whoever, in time of war or in time of peace, with intent to destroy, in whole or in part, a nation, nationality, ethnical, racial, national, colour, religious or political group, organizes, orders or engages in:

- (a) killing, bodily harm or serious injury to the physical or mental health of members of the group, in any way whatsoever or causing them to disappear; or
- (b) measures to prevent the propagation or continued survival of its members or their progeny; or
- (c) the compulsory movement or dispersion of peoples or children or their placing under living conditions calculated to result in their death or disappearance,

is punishable with rigorous imprisonment from five years to twenty-five years, or, in more serious cases, with life imprisonment or death.

**Article 270.- War Crimes against the Civilian Population.**

Whoever, in time of war, armed conflict or occupation organizes, orders or engages in, against the civilian population and in violation of the rules of public international law and of international humanitarian conventions:

- (a) killings, torture or inhuman treatment, biological experiments, or any other involving dire suffering or bodily harm, or to mental or physical health; or
- (b) wilful reduction to starvation, destitution or general ruination through the depreciation counterfeiting or systematic debasement of currency; or
- (c) the compulsory movement or dispersion of population, its systematic deportation, transfer detention in concentration camps or forced labour camps; or
- (d) forcible enlistment in the enemy's defence forces, intelligence services or administration; or
- (e) denationalization or forcible religious conversion; or

- (f) compulsion to acts of prostitution, debauchery or rape; or
  - (g) measures of intimidation or terror, the taking of hostages or the imposition of collective punishments or reprisals; or
  - (h) the confiscation of estates, the destruction or appropriation of property, the imposition of unlawful or arbitrary taxes or levies, or of taxes or levies disproportionate to the requirements or strict military necessity; or
  - (i) the confiscation, destruction, removal, rendering useless or appropriation of property such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, health centres, schools; or
  - (j) the destruction, removal, attack, rendering useless or appropriation of the historical monuments, works of art, or places of worship or using them in support of military effort; or
  - (k) withholding the provision of clothing, bedding, means of shelter, medical supplies and other supplies essential to the survival of the civilian population of the occupied territory; or
  - (l) attacking, displacing, causing to disappear or mistreating persons who, before the beginning of hostilities, were considered as stateless persons or refugees under the relevant international instruments, or under the national legislation of the State of refuge or State of residence; or
  - (m) recruiting children who have not attained the age of eighteen years as members of defence forces to take part in armed conflict; or
  - (n) using any means or method of combat against the natural environment to cause widespread, long term and severe damage and thereby to prejudice the health or survival of the population; or
  - (o) attacking dams, dykes, and nuclear electrical generating stations, if their attack causes the release of dangerous forces and consequent severe losses among the civilian population; or
  - (p) passing of sentences and carrying out of executions without previous judgment pronounced by a regularly constituted Court which affords all the judicial guarantees,
- is punishable with rigorous imprisonment from five years to twenty-five years, or, in more serious cases, with life imprisonment or death.

**Article 271.- War Crimes against Wounded, Sick Shipwrecked Persons or Medical Services.**

- (1) Whoever, in the circumstances defined at organizes, orders or engages in:
  - (a) killings, torture, withholding medical care attention required by their condition or inhuman treatment or other acts entailing direct suffering or physical or mental injury to wounded, sick or shipwrecked persons, or to members of the medical or first aid service; or
  - (b) the destruction, rendering unserviceable appropriation of supplies, installations, transport materials or stores

belonging to the medical or first aid services, in a manner which is unlawful arbitrary or disproportionate to the requirements of strict military necessity; or

- (c) compelling persons engaged in medical, religious and journalistic activities to perform acts or to carry out work contrary to or to refrain from acts required by their respective professional rules and ethics or other rules designed for the benefit of the wounded, sick or civilian population,  
is punishable in accordance with Article 270.

(2) For the purpose of sub-article (1):

- (a) "wounded" and "sick" means persons, whether military or civilian, who, because of trauma, disease or other physical or mental disorder or disability, are in need of medical assistance or care and who refrain from any act of hostility. These terms also cover maternity cases, newly born babies and other persons who may be in need of immediate medical assistance or care, such as the infirm or expectant mothers, and who refrain from any act of hostility.
- (b) "shipwrecked" means persons, whether military or civilian, who are in peril at sea or in other waters or in the air as a result of misfortune affecting them or the vessel or aircraft carrying them and who refrain from any act of hostility.

#### **Article 272.- War Crimes against Prisoners and Interned Persons.**

Whoever, in the circumstances defined above:

- (a) organizes, orders or engages in killings, acts of torture or inhuman treatment or acts entailing dire suffering or injury to prisoners of war or interned persons; or
- (b) compels such persons to enlist in the enemy's defence forces or intelligence or administrative services,  
is punishable in accordance with Article 270.

#### **Article 273.- Pillage, Piracy and Looting.**

Whoever organizes, orders or engages in looting, piracy, pillage, economic spoliation or the unlawful destruction or removal of property on the pretext of military necessity,

is punishable in accordance with Article 270.

#### **Article 274.- Provocation and Preparation.**

Whoever, with the object of committing, permitting or supporting any of the crimes provided for in the preceding Articles:

- (a) publicly provokes or encourages, by word of mouth, images or writings; or

(b) conspires towards or plans with another, urges the formation of, or himself forms a band or group, joins such a band or group, adheres to its schemes or obeys its instructions, is punishable with rigorous imprisonment not exceeding five years.

#### **Article 275.- Dereliction of Duty Towards the Enemy.**

Whoever, in time of war and contrary to public international law and humanitarian conventions:

- (a) kills or wounds an enemy who has surrendered or laid down his arms, or who for any other reason is incapable of defending, or has ceased to defend, himself; or
- (b) mutilates a dead person; or
- (c) lays hands on or does violence to a wounded, sick or dead enemy on the field of battle, with intent to rob or plunder him; or
- (d) orders one of the above acts,

is punishable with rigorous imprisonment, or, in cases of exceptional gravity, with life imprisonment or death.

#### **Article 276.- Use of Illegal Means of Combat.**

Whoever uses, or orders to be used, against the enemy any means or method of combat expressly forbidden by Ethiopian law or international conventions to which Ethiopia is a party, is punishable with simple imprisonment for not less than three months; or, if the crime is grave, with rigorous imprisonment from five years to twenty-five years; or, in the gravest cases, with life imprisonment or death.

#### **277.- Breach of Armistice or Peace Treaty.**

Whoever, having been officially informed of an armistice or peace treaty duly conducted and contrary to the orders given, continues hostilities, or in any other way knowingly infringes one of the agreed conditions,

is punishable with simple imprisonment, or, in more serious cases, with rigorous imprisonment not exceeding ten years.

#### **Article 278.- Franc Tireurs.**

Whoever, not being a member of an armed force or auxiliaries recognized by the Ethiopian government authorities, engages, in time of war and contrary to public international law, in hostile acts against the Ethiopian Defence Force, its services or its lines or means of communication or transport,

is punishable with rigorous imprisonment from five years to twenty-five years, or, in cases of exceptional gravity, with life imprisonment or death.

**Article 279.- Maltreatment of, or Dereliction of Duty towards. Wounded, Sick or Prisoners.**

Whoever, in violation of the rules of public international law, maltreats a sick or wounded person, or a prisoner of war or war internee, or uses violence against him, or prevents him from exercising or makes it impossible for him to exercise, the right guaranteed to him by such rules, or issues orders to the same effect,  
is punishable with rigorous imprisonment not exceeding five years.

**Article 280.- Denial of Justice.**

Whoever, in time of war or occupation and in violation of the rules of public international law, deprives a civilian, a wounded person, a prisoner or an internee, of his right to be tried according to law guaranteeing him human treatment and the free exercise of his right to defend himself, or orders such deprivation,  
is punishable with simple imprisonment from three years to five years.

**CHAPTER II  
CRIMES AGAINST HUMANITARIAN ORGANIZATIONS**

**Article 281.- Hostile Acts against International Humanitarian Organizations.**

(1) Whoever intentionally and in time of peace:

- (a) indulges in hostile acts against or threats or insults to persons belonging to the International Red Cross or Red Crescent or to corresponding humanitarian relief organizations or to the representatives of those organizations or to persons placed under their protection;  
or
- (b) destroys or damages material, installations or depots belonging to those organizations,

is punishable with simple imprisonment, or, in cases of exceptional gravity, with rigorous imprisonment not exceeding five years.

(2) Where the crime is committed in time of war, the punishment shall be rigorous imprisonment from one year to five years.

**Article 282.- Abuse of Emblems and Insignia of International Humanitarian Organizations.**

Whoever intentionally:

- (a) bears, flies or uses without due authorization the emblems or insignia of one of the international humanitarian organizations mentioned above; or

(b) abuses such emblems or insignia or any other protective device recognized in public international law, in particular the white flag, with intent to prepare or to commit hostile acts,

is punishable with simple imprisonment, or, in cases of exceptional gravity, with rigorous imprisonment not exceeding five years.

**Article 283.- Hostile Acts against the Bearer of a Flag of Truce.**

Whoever maltreats, threatens, insults or unjustifiably detains an enemy bearing a flag of truce, or an enemy negotiator, or any person accompanying him, is punishable with simple imprisonment.

**TITLE III  
MILITARY CRIMES AND CRIMES AGAINST  
THE DEFENCE FORCES AND THE POLICE**

**CHAPTER I  
MILITARY CRIMES**

**Section I.- Breaches of Liability to Serve**

**Article 284.- Refusal to Perform Military Service.**

(1) Whoever, with intent to evade recruitment or military service, which he is legally bound to perform, fails to obey an enlistment or mobilization order duly served by personal summons, by placard or by public announcement, is punishable with simple imprisonment.

(2) Where the crime is committed in time of emergency, general mobilization or war, the punishment shall be rigorous imprisonment not exceeding ten years.

**Article 285.- Failure to Comply With a Calling-up Order.**

(1) Whoever, without seeking to evade recruitment or liability to military service, fails to obey a calling-up notice, in particular for an examination for recruitment, for an inspection, for training, or in respect of any other military obligation,

is punishable with simple imprisonment not exceeding one year.

(2) Where the crime is committed in time of war, emergency, natural disaster or epidemic,

the punishment is rigorous imprisonment not exceeding five years.

**Article 286.- Intentionally Contracted Unfitness.**

- (1) Whoever, by maiming or any other voluntary process injurious to his body or health, renders himself, by his own act or that of another, totally or partly unfit for service, be it permanently or temporarily,

is punishable with simple imprisonment not exceeding three years.

- (2) Whoever, for the purpose described above and with the consent of the interested party, renders the latter by any such act, totally or partly unfit for service,

is punishable with simple imprisonment not exceeding five years.

- (3) Where the crime is committed in time of emergency, general mobilization or war,

the punishment is rigorous imprisonment not exceeding fifteen years.

#### **Article 287.- Fraudulent Evasion of Service.**

- (1) Any member of the Defence Forces who, with intent to evade military service, be it permanently or temporarily, employs means intended to deceive the competent civil or military authority, in particular by using false certificate or document, making a false declaration or by feigning an illness or infirmity,

is punishable with simple imprisonment for not less than three years.

- (2) Where the crime is committed in time of emergency, general mobilization or war, the punishment is rigorous imprisonment not exceeding ten years.

#### **Article 288.- Desertion.**

- (1) Any member of the Defence Forces who with intent to evade military service, quits his unit, post or military duties without proper authority, or fails to return to them after being absent with leave,

is punishable with rigorous imprisonment not exceeding five years.

- (2) Where the crime is committed in time of emergency, general mobilization or war, the criminal is punishable with rigorous imprisonment from five years to twenty-five years, or, in the gravest cases, with life imprisonment or death.

#### **Article 289.- Absence without leave.**

- (1) Any member of the Defence Forces who, without intent to evade service:



- a) leaves his military unit or evades his military duty without proper authority or force majeure; or
- b) overstays, except in case of force majeure, a period of leave granted to him, is punishable with simple imprisonment not exceeding one year.

(2) Where the crime is committed in time of war, the punishment shall be simple imprisonment not exceeding three years.

#### **Article 290.- Voluntary Failure to Rejoin the Defence Forces.**

Any member of the Defence Forces who, in time of war:

- (a) having been separated from his unit, fails to rejoin it, or to join the nearest body of friendly troops; or
- (b) having been taken prisoner, fails upon regaining his freedom to report to a military unit or military authority or to return to the ranks, is punishable with simple imprisonment, or, where his failure is intentional and permanent, with rigorous imprisonment from three years to ten years.

#### **Section II.- Abuse of Military Authority**

##### **Article 291.- Unlawful Exemption from Service.**

(1) Whoever, in abuse of his commission or of the military authority conferred upon him, exempts from service a person who is legally under a liability to perform it,

is punishable with simple imprisonment for at least six months.

(2) Where the crime is committed in time of emergency, general mobilization or war, the punishment is rigorous imprisonment not exceeding ten years.

##### **Article 292.- Threats or Violence against an Inferior.**

(1) Any member of the Defence Forces who threatens a person subject to his orders or of lower rank, assaults him, or treats him in a degrading manner,

is punishable with simple imprisonment not exceeding one year.

(2) Where the crime is committed with cruelty or violence, weapon or other dangerous instrument, the punishment shall be simple imprisonment not exceeding five years.

#### **Section III.- Breaches of Military Duty**

## **Sub-section I.- Crimes Endangering Good Service Regulations**

### **Article 293.- Infringement of General Service Regulations.**

- (1) Any member of the Defence Forces who intentionally fails to comply with general service orders or regulations other than disciplinary cases (Art. 791),

is punishable with simple imprisonment not exceeding six months.

- (2) Where the crime is committed in time of emergency, general mobilization or war,

the criminal is punishable with simple imprisonment not exceeding five years.

- (3) Where the crime is due to negligence, the criminal shall be subject to disciplinary punishment in time of peace; in time of war or other grave circumstances he is punishable with simple imprisonment not exceeding one year.

### **Article 294.- Incomplete or inaccurate official statements.**

- (1) Whoever, being required by his commission or military duties to draw up an official report or declaration, or to fill up a service document:

- (a) intentionally alters or conceals the facts or the truth, leaves blank any detail or figure which his signature is intended to certify, is punishable with simple imprisonment from two years to five years.

- (b) refuses, to draw up or to submit a minute, report or declaration he is required to render, is punishable with simple imprisonment not exceeding five years.

- (2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding three years.

- (3) Any member of the Defence Forces who makes a false statement or withholds the truth from the competent authority, with the object of obtaining or prolonging leave, is punishable with simple imprisonment.

- (4) Where the crime is committed in time of emergency, general mobilization or war, or is likely to have serious consequences, the punishment shall be simple imprisonment not exceeding five years.

### **Article 295.- Drunkenness on Active Duty.**

- (1) Any member of the Defence Forces who:

- (a) repeatedly gets drunk while under arms; or

- (b) being drunk, disturbs discipline or causes a public scandal,

is punishable with simple imprisonment not exceeding three months.

- (2) Where the drunken person threatens another with his weapon, or otherwise behaves in a dangerous manner, he is punishable with simple imprisonment not exceeding one year.

#### **Article 296.- Want of Discipline.**

Any member of the Defence Forces who:

- (a) absents himself without proper authority from barracks, camps or military quarters, or is found without proper order or authority in a place forbidden to him, or outside the bounds laid down for him; or
- (b) takes part in a quarrel or brawl, or in disturbances, or refuses to obey an order to desist issued to him by a superior officer; or
- (c) misbehaves or disobeys orders in a hospital, in sick-quarters or **else-where** at the risk of complicating or aggravating his condition or of causing his treatment to be prolonged; or
- (d) in any other way, by word of mouth, gesture or deed, disturbs good order or military discipline,

is punishable with simple imprisonment not exceeding three years.

#### **Article 297.- Insults or Threats to, or Assaults upon, a Person of Superior or Equal Rank.**

- (1) Any member of the Defence Forces who insults, threatens or molests a person of superior or equal rank or assaults him, is punishable with simple imprisonment.
- (2) Where the crime is committed with violence or done by the use of a weapon, an instrument or a dangerous object, the punishment shall be rigorous imprisonment not exceeding five years.
- (3) Where the crime is committed in time of emergency, general mobilization or war, the punishment shall be rigorous imprisonment not exceeding five years in respect of a crime under sub-article (1), or rigorous imprisonment not exceeding ten years in respect of a crime under sub-article (2).

#### **Article 298.- Insubordination.**

- (1) Any member of the Defence Forces who intentionally fails to carry out, or refuses to obey, an order relating to his duties issued by his commanding officer or the competent military authorities, either to him personally or to the unit of which he is a member, be it by word of mouth, in writing, by sign or in any other way, is punishable with rigorous imprisonment not exceeding five years.

- (2) Where the crime is committed in time of emergency, general mobilization or war, and where the refusal to obey is definite, the punishment is rigorous imprisonment not exceeding fifteen years.
- (3) Where the crime is of exceptional gravity and is committed in the face of the enemy, the punishment shall be rigorous imprisonment for life or death.

**Article 299.- Mutiny.**

- (1) Any member of the Defence Forces who, in concert with other members, in an unlawful assembly or by any other method, takes part in a seditious movement leading to insubordination or revolt, or to threats, violence or assault on or against a superior officer or a military authority,

is punishable with rigorous imprisonment not exceeding fifteen years.

- (2) Where the mutiny is raised in time of emergency, general mobilization or war, the punishment shall be rigorous imprisonment from five years to twenty-five years, or, in cases of exceptional gravity, life imprisonment or death.
- (3) The ringleaders or organizers shall be sentenced to exemplary punishment (Art. 84(1) (d)), within the limits of these punishments.

**Article 300.- Conspiracy or Concert to Raise a Mutiny.**

- (1) Whoever conspires or joins with others for the purpose of preparing a mutiny or seditious movement,

is punishable, according to the circumstances of the case, with simple imprisonment, or with rigorous imprisonment not exceeding ten years.

- (2) Where the crime is committed in time of emergency, general mobilization or war, the punishment shall be rigorous imprisonment from three years to twenty years.

**Article 301.- Incitement and Assistance.**

In cases of mutiny in time of emergency, general mobilization or war, incitement (Art. 36(2)), assistance (Art. 37(3)) or an attempt to incite or assist (Art. 27(2)); is punishable with simple imprisonment.

**Article 302.- Crimes against Guards, Sentries or Patrols.**

Insults, threats, assaults, acts of violence, insubordination or mutiny against a military guard, security, or a patrol on duty are punishable under Article 298.

**Sub-section II.- Crimes against Guard Duty or Instructions**

### **Article 303.- Breaches of Guard Duty.**

- (1) Any member of the Defence Forces who:
  - (a) intentionally or negligently renders himself incapable of discharging his duties as a guard, be it by drunkenness or otherwise; or
  - (b) without proper authority, abandons his post, or quits it before being regularly relieved,is punishable with simple imprisonment.
- (2) Where the crime is committed in time of emergency, general mobilization or war, the punishment shall be rigorous imprisonment not exceeding seven years.
- (3) Where the crime is committed intentionally in the face of the enemy, the punishment shall be rigorous imprisonment from five years to twenty-five years; or, in grave cases, imprisonment for life or death.

### **Article 304.- Infringement of Military Instructions.**

- (1) Whoever acts contrary to the instructions issued to a guard, sentry, patrol, escort or to any person with similar duties, is punishable with simple imprisonment.
- (2) The punishment shall be simple imprisonment for not less than six months where the crime is committed:
  - (a) when the guard is mounted over a power station supplying electric power or light, dams, weirs, sluices, dykes, jetties, port installations, major protective works, or bridges, viaducts or crossings of vital importance; or
  - (b) where it is mounted over an arsenal, locomotives or motorized vehicles, an anchorage, a depot or park containing equipment, or a dump of weapons, ammunition, explosives, fuel or provisions; or
  - (c) in a dangerous zone or while the criminal is on frontier guard duties.
- (3) Where the crime is committed in time of emergency, general mobilization or war, the punishment shall be rigorous imprisonment not exceeding seven years.

### **Article 305.- Disclosure or Alteration of Instructions.**

- (1) Any member of the Defence Forces, while on active service, but without committing treason:

- (a) gives countersigns, passwords or secret instructions to any person not entitled to receive them; or
  - (b) knowingly gives to another entitled to receive them countersigns, passwords or secret instructions other than those which he has himself received; or
  - (c) fails to give a message which he is required to transfer,
- is punishable with simple imprisonment, or with rigorous imprisonment not exceeding ten years.

(2) Where the crime is committed in time of emergency, general mobilization or war, the punishment shall be:

- (a) simple imprisonment not exceeding five years, in the case of negligence; and
- (b) rigorous imprisonment not exceeding twenty years, in the case of intentional infringement.

### **Sub-section III.- Crimes against Honesty**

#### **Article 306.- Misuse or Waste of Material.**

(1) Whoever improperly uses, lends or pawns arms, munitions, equipment, material or instruments, vehicles, animals, or any other object entrusted or handed over to him, or to which he has access by reason of his duty or military status,

is punishable with rigorous imprisonment not exceeding seven years, or, where the case is not serious, with simple imprisonment for not less than three months.

- (2) Whoever alienates, makes away with, loses, abandons, damages, wastes, or destroys any of the objects specified above under sub-article (1), is punishable, where no other provision of this Code applies, with rigorous imprisonment not exceeding fifteen years, even where his military status or functions have ended.
- (3) Where the instrument or object against which the crime is committed is essential for security of the State, the punishment shall be rigorous imprisonment not exceeding twenty-five years.
- (4) Where the crime is committed in time of war, the punishment shall be rigorous imprisonment from five years to twenty-five years, or, in grave cases, imprisonment for life.

#### **Article 307.- Malversation or Receipt of ill-gotten gains.**

(1) Whoever, being entrusted with the supervision or guarding, management, procurement or distribution of provisions, money, material, fuel or any other property:

- (a) uses them unlawfully, or undervalues them in any manner whatsoever; or
- (b) receives or solicits any benefit therefrom, or in any way has an improper interest in the purchase, sale or distribution

of any provision, supplies, equipment, goods, or other objects delivered to a garrison, camp, canteen, barracks or other military establishment,

is punishable, where the act does not come under another provision of this Code such as breach of trust, fraudulent administration, corruption, extortion or the like, with simple imprisonment, or, in more serious cases, with rigorous imprisonment not exceeding ten years.

- (2) Where the crime is committed in time of war, the punishment shall be rigorous imprisonment not exceeding twenty years.

#### **Section IV.- Crimes against the Safety, Morale or Power of the Defence Forces**

##### **Article 308.- Failure to report Danger.**

- (1) Any member of the Defence Forces who fails to inform his commanding officer or the military command of an event or fact of which he is aware and which manifestly calls for immediate military measures,

is punishable with simple imprisonment.

- (2) Where the crime is committed in time of emergency, general mobilization or war, the punishment shall be rigorous imprisonment not exceeding fifteen years.

- (3) Failure to report a danger or plan of mutiny or desertion is punishable under the relevant provision (Art. 335).

##### **Article 309.- Failure to take Essential Security Measures.**

- (1) A commanding officer or any other person in service of the Defence Forces who intentionally **fails**, during military exercise or any other **service** circumstances, to take on his own initiative precautionary or security measures necessary safeguard the lives or health of persons or **animals**, or to maintain in good order or to ensure the **safety** of the depots, installations, works, resources or **other** objects, for which he is responsible, thereby hazarding them,

is punishable, according to the circumstances of case, with simple imprisonment, or with rigor imprisonment not exceeding five years.

- (2) Where the criminal has acted negligently, and **where** the crime appears to justify more than a **mere** disciplinary penalty, the punishment shall be **simple** imprisonment not exceeding one year.

- (3) Where the crime is committed in time of emergency, general mobilization or war, the punishment shall be;
  - (a) in the case of an intentional failure, rigorous imprisonment not exceeding seven years, or, rigorous imprisonment not exceeding ten years, where the crime resulted in grave damage; or
  - (b) in the case of negligent failure, simple imprisonment not exceeding three years.

**Article 310.- Raising a False Alarm.**

- (1) Whoever, on the march or in camp, in the field or in barracks, on a warship or on an aerodrome, or in any other place, intentionally raises a false alarm especially by drawing or discharging his firearm by beating a drum, sounding a bugle, by signals, shouts, gestures, or in any other way,

is punishable with simple imprisonment not exceeding five years.

- (2) Where the crime is committed in time of emergency, general mobilization or war, and where it is not punishable more severely under another provision of this Code, the criminal is punishable with rigorous imprisonment not exceeding seven years.
- (3) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding one year for the act under sub-article (1), and simple imprisonment not exceeding two years for the act under sub- article (2).

**Article 311.- Demoralization of the Defence Forces.**

- (1) Any member or military commander of the Defence Forces who, during a time other than those specified under sub-article (2) of this Article, demoralizes the troops by his behaviour, in particular by giving ground (running away) contrary to orders, by throwing away arms, equipment or munitions, by spreading fear or causing disorder or confusion, or by failing to take the steps required of him to prevent or remedy such developments,

is punishable with rigorous imprisonment not exceeding twenty-five years.

- (2) Where the crime is committed in time of battle or immediately before or after battle, the punishment shall be rigorous imprisonment for not less than five years.
- (3) Where the crime and its consequences are of particular gravity, the punishment shall be rigorous imprisonment for life or death, according to the circumstances of the case.

**Article 312.- Cowardice.**

Any member of the Defence Forces who, in the face of the enemy and from cowardice:

- (a) refuses to take up arms or to use them; or
- (b) hides, runs away or abandons his post without orders to that effect; or



(c) incites his comrades or subordinates to hide, run away, or abandon their post without orders to that effect, is punishable with a minimum of five years to twenty-five years of rigorous imprisonment, or, in the gravest cases, with life imprisonment or death.

**Article 313.- Capitulation.**

Any commanding officer or member of the Defence Forces who:

- (a) in battle or in the face of the enemy lays down his arms, raises a flag of truce or dispatches a bearer thereof, hauls down his flag, or surrenders with his men without having done everything that the exigencies of military duty require of him; or
  - (b) abandons, leaves, scuttles or surrenders his ship, his aircraft, his armoured fighting vehicle or any other instrument of war for which he is responsible, without having done everything in his power to save it; or
  - (c) surrenders a fortress, a town, port or aerodrome, a garrison, a post or a fortified position, without having exhausted all possible means of defence,
- is punishable with rigorous imprisonment for life or with death.

**Article 314.- Abandonment of Means of War Intact.**

- (1) Any member of the Defence Forces or any commanding officer who, in time of war, abandons to the enemy, without having done everything in his power to destroy them or put them out of commission, a depot, an establishment, a military camp or installation, munitions, arms, other means of war, bridges, viaducts, railways or any other object of importance to the national defence,

is punishable with rigorous imprisonment not exceeding twenty years, or, in the gravest cases, with rigorous imprisonment for life.

- (2) Where the crime is committed negligently, the punishment shall be simple imprisonment from six months to five years.

**Article 315.- Improper use of Enemy Uniform or Arms.**

- (1) Any member of the Defence Forces who improperly wears or makes use of the uniform, insignia or arms of the enemy in a way that creates confusion or causes damage,

is punishable with rigorous imprisonment not exceeding five years.

- (2) Where the crime is committed particularly in time of war, and the act has caused serious confusion or damage, the punishment shall be rigorous imprisonment not exceeding fifteen years.

**Article 316.- Abandonment of a Wounded or Killed Member.**

- (1) Any member of the Defence Forces who leaves or abandons and thereby cause the capture by the enemy of his wounded or dead comrades in the battle field,

is punishable with rigorous imprisonment not exceeding ten years.

- (2) Any medical personnel of the Defence Forces who, contrary to his duties or responsibilities, fails to give proper medical treatment to the wounded comrade in the battle field, thereby causing death or grave harm to the wounded, shall be punished in accordance with sub-article (1) hereof.
- (3) Where the crime results in creating serious damage to the country's interest or to the morale of the Defence Forces, the punishment shall be rigorous imprisonment for life or death.

**Article 317.- Crime Committed against the Possessions of a Wounded or Killed Member.**

Any member of the Defence Forces who, with the intent to gain unlawful enrichment, takes public or any other property from a member wounded or killed in the battle field,

is punishable with rigorous imprisonment not exceeding ten years.

**Section V.- Common Provisions**

**Article 318.- Crimes Committed by Civilians or by Members of the Militia.**

Without prejudice to the liability for crimes against public international law under the provisions of the preceding Title II (Arts. 269-283), the provisions of Articles 284-317 shall apply to any civilian or member of the militia who is on a combat duty within the country or abroad.

Nonetheless, the Court may not aggravate the punishment as in the case of a member of the Defence Forces, for the same crime committed under similar circumstances.

**Article 319.- Crimes Committed by Prisoners of War or Military Internees.**

- (1) Without prejudice to the liability for crimes against public international law under the provisions of the preceding Title II, a prisoner of war or military internee who is on Ethiopian territory or is dependent upon the Ethiopian military or civilian authorities, is subject to the provisions of this Title for any

- military crime he may commit, with the exception of pecuniary penalties and ordinary disciplinary punishments.
- (2) The ordinary punishments of this Code shall apply when the criminal commits non-military crimes.

**Article 320.- Breaches of Military Duty Committed by Officers or Commanding Officers.**

In all cases of breach of liability to perform military service, of breach of military order or discipline, of service or of military obligations in general, an officer or commanding officer, irrespective of rank, shall be subject to exemplary and drastic punishment, according to his degree of guilt, within the limits of the punishments provided under this Code.

**Article 321.- Additional Penalties in Grave Cases.**

In all cases punishable with rigorous imprisonment or death, the Court may order the payment of a fine not exceeding fifty thousand Birr in the case of a commanding officer, or not exceeding twenty-five thousand Birr in other cases, where the criminal has acted for gain.

The Court may, in addition, order dismissal from the Defence Forces or reduction in rank, where the criminal has shown himself unworthy to serve or unworthy of his rank.

**Article 322.- Disciplinary Penalties Excepted.**

Any member of the Defence Forces who infringes the military laws, regulations or directives and standing orders, shall be subject to disciplinary punishment according to the military regulations (Art. 792 (1)), where the crime is so minor that it entails no criminal liability.

**CHAPTER II**

**CRIMES AGAINST THE DEFENCE FORCES AND MEMBERS THEREOF**

**Section 1. - Crimes against Members of the Defence Forces on Active Duty**

**Article 323.- Compelling breaches of duty.**

Whoever, by the use of threats or violence, compels a member of the Defence Forces to execute his duty improperly or prevents him from executing a duty he is bound to perform, is punishable with simple imprisonment or fine.

**Article 324.- Attack on a Member of the Defence Forces while on Active Duty.**

(1) Whoever, without provocation, threatens, attacks or assaults a member of the Defence Forces in the execution of his duties,

is punishable with simple imprisonment not exceeding three years.

(2) Where the criminal is armed and threatens the victim with a weapon, or uses physical violence, he is punishable with simple imprisonment from six months to three years.

Where the attack results in serious bodily harm or in death, the general provisions concerning assessment of sentence in such cases shall apply (Art. 66).

### **Article 325.- Aggravated Cases.**

Where a crime under Article 323 or 324 is committed:

- (a) against a guard on duty, a sentry, a patrol or member of the military police or other military authority in the execution of his duty; or
- (b) against an officer or commanding officer recognizable by his functions or by his badges rank, the criminal is punishable with simple imprisonment for at least three months in the case of threat or unarmed attack which has done no injury to the victims person or health, and for at least six months in the case of armed or violent attack.

## **Section II.- Crimes against the Defence Forces And their Auxiliary Services**

### **Article 326.- Breach of Legal or Contractual Obligations.**

(1) Whoever intentionally:

- (a) fails, without proper cause, to comply with a legal obligation to hand over or deliver animals, vehicles, provisions or any other supplies necessary to the military service or to the Defence Forces; or
- (b) fails to perform his contractual obligations towards the Defence Forces or their services, be they in respect to deliveries or supplies of provisions, equipment, material or of any other objects, or in respect to installations, buildings, or public works of any kind; or
- (c) in general, performs the tasks, services or deliveries incumbent upon him, supervises them, or takes or makes delivery of them without abiding by his contractual obligations or without due care with resultant delay or default harmful to the Defence Forces,

is punishable with simple imprisonment, or fine. In more serious cases the criminal is punishable with rigorous imprisonment not exceeding ten years.

- (2) Where the crime is committed negligently, the punishment shall be simple imprisonment or fine, according to the gravity of the case.
- (3) Where a juridical person commits the crime it shall be punishable in accordance with the provisions of Article 90 of this Code.

**Article 327.- Sabotage.**

(1) Whoever intentionally:

(a) destroys, damages or renders unfit for use installations, material, equipment or any other object used by the Defence Forces; or

(b) prevents an official or an authority from carrying on his or its activities on behalf of the Defence Forces, or disturbs or endangers such activities,

is punishable with rigorous imprisonment not exceeding ten years.

- (2) Where the crime is committed negligently, the punishment shall be simple imprisonment or fine.
- (3) Acts intended to impair the defensive power of the State are punishable under Article 247.

**Article 328.- Traffic in Military Material.**

Whoever intentionally or unlawfully lends, pledges, receives on loan or in pledge objects requisitioned, utilized or sequestered by the administrative services of the Defence Forces,  
is punishable with simple imprisonment or fine.

- (1) Whoever sells materials, acquires, or fully consumes or makes away with, destroys, or puts out of commission, the objects mentioned in sub-article (1) above,

is punishable with simple imprisonment for at least six months.

- (2) In grave cases, the punishment shall be rigorous imprisonment not exceeding five years.
- (3) Where a juridical person commits the crime it shall be punishable in accordance with the provisions of Article 90 of this Code.

**Article 329.- Unauthorized manufacture of, and traffic in, Military Uniforms, Insignia or Decorations.**

- (1) Whoever without authority manufactures, stores, offers or sells, buys or acquires in any other manner, military uniforms, insignia or decorations,

is punishable with simple imprisonment or fine.

- (2) Where a juridical person commits the crime it shall be punishable in accordance with the provisions of Article 90 of this Code.

**Article 330.- Unauthorized Wearing of Military Uniforms, Decorations or Insignia.**

Whoever without authority wears a military uniform, decorations or insignia,

is punishable with simple imprisonment not exceeding six months, or with fine not exceeding five hundred Birr.

**Article 331.- Disregard of Military Measures.**

- (1) Whoever contravenes regulations, orders, or instructions issued by the Government or by the competent civil or military authority on grounds of military necessity or to safeguard military interests,

is punishable, where he is not punishable under any other provision of this Code, with simple imprisonment not exceeding one year, or with fine not exceeding five hundred Birr.

- (2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding six months, or fine not exceeding three hundred Birr.

**Article 332.- Incitement to Disregard Military Orders.**

- (1) Whoever incites, be it in public or not, anyone to disregard military orders, to acts of indiscipline or to breaches of military duties,

is punishable with simple imprisonment or fine.

- (2) Whoever organizes a band, a movement or an illegal assembly to these ends, or takes part in its organization, or subscribes to its schemes, or adheres to it or contributes to such activities,

is punishable with simple imprisonment, or, where the act could have caused grave danger, with rigorous imprisonment not exceeding ten years.

- (3) Where a juridical person commits the crime it shall be punishable in accordance with the provisions of Article 90 of this Code.

**Article 333.- Disregard of Prohibitions Protecting Specified Military Zones and Objects.**

Whoever, without authority, or unlawfully:

- (1) enters an establishment, a work or any other site, access to which is forbidden by the military authorities or on military grounds,  
is punishable with simple imprisonment or fine.
- (2) makes, takes, prepares, reproduces, publishes or communicates to another or others an account, sketch, photograph or any representation whatsoever of such establishment, work or site, or  
of the installation, equipment or other objects therein,

is punishable with rigorous imprisonment not exceeding fifteen years.

**Article 334.- Falsification or Suppression of General Orders or Instructions.**

- (1) Without prejudice to the provisions of Articles 379 and 381, whoever intentionally:
  - (a) forges, falsifies, destroys or makes away with an order to report for enlistment or for military service, a military delivery order or an instruction of any kind intended for citizens liable to military service, or relating to the interests or needs of the Defence Forces; or
  - (b) makes use of such forged or falsified order or instruction,is punishable with simple imprisonment, or, in the gravest cases, with rigorous imprisonment not exceeding seven years.
- (2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding six months or fine.

**Article 335.- Failure to report Crimes Against the Defence Forces and Breaches of Military Obligations.**

- (1) Whoever, being aware of plans to commit or of the commission of mutiny or desertion, fails, except in cases of force majeure, to report them to the authorities or makes no attempt to prevent their commission or to cause the criminal to be arrested,  
is punishable with simple imprisonment, where the crime of mutiny or desertion is at least attempted, or in serious cases, with  
rigorous imprisonment not exceeding three years.
- (2) Official or professional secrecy is no defence to a charge under this Article. In time of emergency, general mobilization or war, kinship or close ties of affection cannot serve as special mitigating circumstances (Art. 83).
- (3) Failure to report treason or espionage is punishable under the provisions of this Code on security of the State and protection of the national Defence Forces (Art. 254).

### **Article 336.- Disclosure of Military Secrets.**

- (1) Whoever, in cases other than those of treason and espionage more severely punishable under Articles 248-252 of this Code, communicates or delivers to an unauthorized person or to the general public documents or information of any kind which are not a matter of common knowledge and which by their nature are military secrets,

is punishable with rigorous imprisonment for not less than five years.

- (2) Where the crime relates to documents or information of a restricted kind, or where it is committed by a person closely acquainted with them, or where the crime has or might have consequences of exceptional gravity,

the punishment shall be rigorous imprisonment for not less than ten years.

- (3) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding one year for the act under sub-article and not exceeding three years for the act under sub-article (2).

### **Article 337.- False or Tendentious Information.**

Whoever, when troops have been mobilized or are on active duty, puts forth or disseminates information which he knows to be inaccurate or tendentious, with intent to obstruct or thwart measures ordered in the military interest, to impede or endanger movements or operations of the Defence Forces, to incite troops to indiscipline or insubordination, or to foment disorder and spread alarm among the population,

is punishable with rigorous imprisonment not exceeding ten years, or, in grave cases, with rigorous imprisonment up to life.

### **Section III.- Common Provisions**

#### **Article 338.- Aggravation of Punishment in Cases of State of Emergency or War.**

- (1) Where any of the crimes punishable under the preceding two sections, committed against a member of the Defence Forces on active duty, against the Defence Forces or their auxiliary services, or against military interests, is done in time of emergency, general mobilization or war, and where no specific provision prescribes a more severe punishment, the criminal is punishable as follows:

- (a) instead of simple imprisonment, rigorous imprisonment not exceeding five years;



(b) where rigorous imprisonment is prescribed, rigorous imprisonment not exceeding double the prescribed maximum, without prejudice to the maximum period specified in the General Part of this Code.

In the cases of failure to report plans to commit or the commission of mutiny or desertion (Art. 335), rigorous imprisonment shall not exceed ten years.

(2) Where the crime committed negligently is punishable, the Court may impose punishment as follows:

(a) instead of simple imprisonment not exceeding three years, rigorous imprisonment not exceeding three years; or

(b) instead of simple imprisonment not exceeding five years, rigorous imprisonment not exceeding five years.

(3) Where the Court imposes a fine, it may double the maximum amount laid down in the relevant provision of this Code.

### **Article 339.-Crimes Committed for Gain.**

In all cases punishable with rigorous imprisonment and when the criminal has acted for gain, the Court may in addition impose a fine not exceeding one hundred thousand Birr, having regard to the gravity of the crime and the criminal's financial resources,

## **CHAPTER III**

### **APPLICATION OF ARTICLES 284-337 TO THE POLICE**

#### **Article 340.- Principle of Application.**

The provisions of the two preceding Chapters (Art. 284-337) shall apply where any of the crimes specified therein has been committed by a member of the Police or against a member of the Police on active duty and where it does not come under any other special provision of the law.

#### **Article 341.- Special Circumstances.**

When applying to the Police the provisions relating to the military (Art. 284-337), the Court shall take into account the special duties and organization of the Police.

#### **Article 342.- The Application of the Provisions Regarding Public Servants on the Police.**

(1) Apart from the cases mentioned hereinbefore which relate to crimes committed against the organization, duties and security of the Police the provisions of this Code relating to public servants shall apply to the members of the Police (Arts. 402-426).

- (2) Where the same act might come under the provisions of either this Title or Book IV, Title III of this Code, such as cases of infringement of service regulations (Art. 293 and 420), receipt of ill-gotten gains, malversation or maladministration (Arts.306 and 307 or Arts. 407- 419), breaches of official secrecy (Art. 336 or, 396 and 397), the Court shall decide as to the appropriate provision to apply having regard to whether the crime is of a quasi-military nature or a crime relating to public servants.

## **TITLE IV**

### **CRIMES AGAINST THE FISCAL AND ECONOMIC INTERESTS OF THE STATE**

#### **CHAPTER I GENERAL PROVISIONS**

##### **Article 343.- Crimes Committed In Breach of Special Legislation.**

- (1) Where a crime is committed in breach of legislation issued by an authorized public organ in accordance with the law and duly published in the Federal Negarit Gazeta or in the legal gazettes of the regional states, concerning the control or protection of the fiscal or economic interests of the State, the punishment shall be determined in accordance with the principles of this Code.
- (2) All breaches classed as petty offences or, in default of such classification, all breaches of mandatory or prohibitive provisions of this kind where the damage caused by such breaches does not exceed ten thousand Birr, are punishable as provided in the part of this Code regarding petty offences.

##### **Article 344.- Kind and Extent of Penalties.**

- (1) Where the pertinent legislation makes no explicit reference to a crime defined in this Code, the Court shall pass sentence of simple imprisonment or fine, fixed in accordance with the provisions, and within the general limits, of this Code (Arts. 90-92 and Arts.106 and 107).
- (2) Where the degree of guilt is of exceptional gravity and the crime involves large sums of money or value of things, or where the accused makes a profession of such crimes within the meaning of Article 90 of this Code, the Court may impose a fine not exceeding one hundred thousand Birr, in addition to the forfeiture of the gain derived from the crime.
- (3) The general provisions relating to preventive, protective and prohibitive measures, and those relating to collateral measures of publicity and information shall be applied wherever the Court thinks necessary.

##### **Article 345- Collateral Penalties Relating to Taxes and Dues.**

The punishment prescribed for breaches of laws on taxes and other dues shall not prevent the application of penalties that may be imposed in accordance with the appropriate legislation on taxes and dues not paid within the proper time.

## **CHAPTER II SPECIAL PROVISIONS**

### **Article 346.- Illicit Traffic in Gold, Currencies or Foreign Exchange.**

Whoever, apart from cases coming under the provisions relating to crimes against currency (Title V below), buys, imports or exports, accepts in trust, deposits, exchanges, sells or offers for sale without authorization or contrary to laws, regulations or rules, gold or any currency, whether national or foreign, the dealings with or rates of which are subject to limitation, restriction or measures of control or protection,

is punishable with rigorous imprisonment not exceeding ten years, and fine not exceeding fifty thousand Birr, without prejudice to the confiscation of the subject matter of the crime.

### **Article 347.- Illicit Traffic in Precious Minerals.**

Whoever violates, as defined in the preceding Article, provisions or regulations on forbidden or unlawful traffic in precious minerals such as gold, platinum, uranium or any other similar minerals, as well as in precious stones,

is punishable under Article 346.

### **Article 348.- Dealings Endangering the Credit of the State's Finance.**

Whoever, with the object of damaging the, credit of the State's finance, or knowingly running the risk of damaging it:

- (a) causes or incites the withdrawal of funds from banks or from other institutions legally bound to make payment into banks, to bring about a fall of value in the national currency; or brings about a depreciation, through widespread selling, in the value of bonds or securities; or
- (b) obstructs subscription to or the purchase of such funds, bonds or securities;

is punishable with rigorous imprisonment not exceeding ten years, and fine not exceeding fifty thousand Birr; or where the crime has caused or could cause a serious consequence, with rigorous imprisonment not exceeding twenty years.

### **Article 349.- Unlawful Refusal to Pay Public Taxes or Dues.**

- (1) Whoever, being duly ordered to pay the taxes or dues prescribed by law, whether in kind or in cash, and validly assessed by the competent authority, refuses to pay, though able so to do, taxes on land, property or different kinds of income, or any other due or tax whatsoever,

is punishable, without prejudice to the payment of the tax or due, with simple imprisonment for not less than one year and fine.

- (2) Where the refusal is accompanied by threats, violence, or assault, by the display or use of arms, or by disorder or revolt, the punishment prescribed by the relevant provisions shall apply concurrently (Art.85).

### **Article 350.- Incitement to Refusal to pay Taxes.**

- (1) Whoever incites another, by acts, gifts, speeches, threats, or in any other way, to refuse to pay the taxes or dues prescribed by law,

is punishable with simple imprisonment from one year to three years and fine.

- (2) Where the case is more serious as a result of the spread of the crime, the punishment shall be rigorous imprisonment from three years to ten years and fine.

Where the crime is punishable under a more severe provision, such as incitement to riot or to the overthrow of authority, the punishment may be aggravated in accordance with the relevant provision prescribed for concurrent crimes (Art. 85).

### **Article 351. Endangering Sources of Revenue.**

- (1) Whoever, with intent to save himself or another, whether an individual or a juridical person, from the payment in full or in part of dues, taxes charges due to the Government in accordance with the law:

- (a) knowingly supplies to the competent authorities false information about the property, capital or income subject to taxation, or about any other relevant circumstances in connection with the assessment of the taxes or dues; or
- (b) in any other way, be it by fraud concealment, or false returns or fictitious operations, or by any other means knowingly misleads such authorities,

is punishable with rigorous imprisonment not exceeding ten years and fine not exceeding one hundred thousand Birr.

- (2) Any official or employee of an authority who improperly prevents the payment of taxes or dues, or reduces the amount thereof,

is punishable for abuse of authority (Art. 407).

- (3) Where the criminal has acted in circumstances, which constitute another crime, in particular misrepresentation or forgery, the provisions regarding these crimes shall apply concurrently (Art. 85).

**Article 352.- Contraband.**

- (1) Whoever intentionally:

- (a) brings into or takes out of Ethiopia, without paying the duty or taxes fixed by law goods, property, objects or things produced by a factory or by handicraft;
- (b) accepts for sale, stores or offers goods or property, knowing that they are introduced into the country in the illegal manner specified in (a) above; or
- (c) circulates, domestically manufactured objects or products that are restricted from circulation unless the taxes due on them are paid,

is punishable with fine not exceeding ten thousand Birr, or with simple imprisonment, in addition to the forfeiture of the objects, means, and the fruits of the crime, subject to the rights of third parties in good faith who have no part whatsoever in the crime (Art. 140).

- (2) Where the crime is committed by threats, violence, fraud or in group, the punishment shall be rigorous imprisonment not exceeding ten years, in addition to the forfeiture of the object.
- (3) Evasion of customs duty of an isolated character comes within the scope of the provisions relating to petty offences (Art- 784).

**Article 353.- Crimes against the National Economy and State Monopolies.**

- (1) Whoever, apart from the cases especially specified above or petty infringements punishable under the Code of Petty Offences (Art. 784-790), intentionally violates the provisions concerning:

- (a) the importation, exportation, storage or transport of objects, products or materials subject to prohibition, license, control or duties; or
- (b) the exploitation of natural resources of the country, whether of the soil, of the sub-soil or their products, of electric power, water, forests, minerals, game or wild animals; or
- (c) the exploitation of wild animals or their products, or the hunting or killing of such animals; or
- (d) the settlement or execution of other activities in restricted forests, in parks or in reserved areas; or

- (e) a monopoly whether granted by way of concession or controlled by the State; or
- (f) the organization of State banks or State undertakings, or the granting of concessions, or the operation and supervision of banks or undertakings, whether commercial or industrial or factories establishments of any kind,

is punishable, where the crime does not come under a specific provision prescribing a more severe penalty, with simple imprisonment or fine, in addition to the forfeiture of the subject matter of the crime and the withdrawal of any license and work certificate, and the suspension or closing down of any business.

- (2) Whoever violates laws issued regarding the collection, transportation, transference, exportation, importation or exploitation of genetic resources,

is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding ten years and fine from ten thousand to thirty thousand Birr.

- (3) Whoever, contrary to law, hunts or kills endemic animals; or possesses, collects, transports, transfers or exports endemic animals or plants or their products,

Is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding twelve years and fine from ten thousand to one hundred thousand Birr.

- (4) Where one of the acts in this Article is committed negligently, the punishment shall be fine not exceeding five thousand Birr, or, according to the circumstances and gravity of the case, simple imprisonment not exceeding six months.

#### **Article 354.- Aggravation to the Crime.**

- (1) The fine shall not exceed two hundred thousand Birr, and the punishment of deprivation of liberty shall be rigorous imprisonment not exceeding fifteen years, in addition to the forfeiture of the subject matter of the crime, in the case of trafficking, speculation or illicit dealings, of contraband or of other crimes involving large amounts of money, or where the criminal has made a profession of such trafficking or prohibited practices.
- (2) Where the crime specified in sub-article (1) is committed by a juridical person, it is punishable in accordance with Article 90 of this Code.

### **TITLE V**

**CRIMES AGAINST CURRENCIES, GOVERNMENT BONDS OR  
SECURITY DOCUMENTS, OFFICIAL SEALS, STAMPS OR  
INSTRUMENTS**

**CHAPTER I  
COUNTERFEIT CURRENCY, BOND OR SECURITY DOCUMENTS**

**Article 355.-General Provision Concerning Juridical Person**

Where the conditions of Article 34 of this Code are found satisfied in respect of crimes specified from Articles 356 to 374 of this Title, a juridical person as well, besides individuals, shall be liable to punishment.

**Article 356.- Making.**

Whoever, in Ethiopia or abroad, makes without lawful authority or counterfeits currencies used as legal tender, bonds or security documents with intent to utter them as genuine,

is punishable with rigorous imprisonment for at least five years.

**Article 357.- Forgery.**

Whoever, in Ethiopia or abroad, forges, by alteration, overprinting, dyeing or any other means, currencies used as legal tender, bonds or security documents with intent to utter them at a value greater than their current value,  
is punishable with rigorous imprisonment not exceeding fifteen years.

**Article 358.- Debasing.**

Whoever, in Ethiopia or abroad, by mechanical, physical or chemical process, or by any other means, debases legal currencies, with intent to utter them at their full value,  
is punishable with rigorous imprisonment not exceeding ten years.

**Article 359.- Importation, Exportation, Acquisition, Acceptance in Trust or Offer.**

Whoever, with intent to utter them or to cause them to be uttered as genuine or at their current value, imports, exports, acquires or procures, accepts in trust or offers counterfeit or debased currencies, bonds or security documents,  
is punishable with rigorous imprisonment not exceeding fifteen years.

**Article 360.- Presumption of Intent to Utter.**

In respect of the crimes specified under Articles 356- 359, the acts shall be presumed to have been done with the intent to utter.

**Article 361.- Uttering.**

- (1) Whoever intentionally:
  - (a) utters as genuine or as having greater value than their current value, in Ethiopia or aboard, counterfeit or forged currencies, bonds or security documents, is punishable with rigorous imprisonment not exceeding ten years.
  - (b) utters debased currencies at their full value, is punishable with simple imprisonment not exceeding five years or fine.
- (2) Where the criminal has received the currencies, bonds or security documents as genuine, or against payment of their current value, and having discovered their falseness or debasement, has returned them to circulation only in order to avoid loss, the punishment shall be:
  - (a) simple imprisonment in the case of counterfeit or forged currencies, bonds or security documents; or
  - (b) fine in the case of debased currencies.

**Article 362.- Petty Cases.**

In petty cases, where small sums only are involved, the punishment in respect of the crimes specified under Articles 356-361 shall be simple imprisonment.

**CHAPTER II**

**FALSIFICATION OF OFFICIAL SEALS, STAMPS,  
MARKS, WEIGHTS AND MEASURES**

**Article 363.- Falsification or Improper use of the Seals of the State.**

- (1) Whoever:
  - (a) falsifies or counterfeits the seal of the Government or of a Government Department, intended to be affixed to Government papers, or makes use of such falsified or counterfeit seal; or
  - (b) makes improper use of a genuine seal, is punishable with rigorous imprisonment from three years to ten years.
- (2) Where the crime has caused grave harm to national interests or rights, the punishment shall be rigorous imprisonment from five years to twenty years.

**Article 364.- Falsification and Improper use of other Public or Private Seals.**



(1) Whoever:

- (a) falsifies any seal of a public institution or a private organization, or makes use of such seal; or
- (b) makes improper use of a genuine seal of such kind,

is punishable with rigorous imprisonment not exceeding five years.

(2) Where grave harm is caused by the crime, the criminal is punishable with rigorous imprisonment from three years to ten years.

**Article 365.- Falsification of Official Marks.**

- (a) with intent to use them or to cause them to be used as genuine or unused, makes without lawful authority, falsifies or counterfeits official marks of origin or identity, or of certification or warranty, particularly in connection with customs or transport operations, with gold, silver or other precious minerals, timber, skins or other materials or products, or with foodstuffs, medicaments or articles affecting public health, whether they be seals, die stamps, rubber stamps, labels or any other distinguishing mark; or
- (b) knowingly uses such false or counterfeit marks genuine or unused,

is punishable with simple imprisonment from three months to five years.

**Article 366.- Falsification of Official Stamps Value.**

(1) Whoever:

- (a) with intent to use them or to cause them to be used as genuine or unused, makes without lawful authority, falsifies or counterfeits official stamps of value, in particular officially stamped paper, postage stamps or receipt stamps; or
- (b) after such stamps have been used or cancelled, gives them the appearance of unused stamps for the purpose of using them again,

is punishable with simple imprisonment for at least three months, or, where the crime is considered to be grave, with simple imprisonment not exceeding five years and fine.

(2) In petty cases, especially those of isolated use of used, forged, falsified or cancelled postage or receipt stamps, the Court may impose a fine only.

**Article 367.- Falsification of Weights and Measures.**

(1) Whoever, with intent to deceive another:

- (a) falsifies weights, balances, measures or other instruments intended for use in commerce or trade; or
- (b) unlawfully affixes thereto a mark or imprint denoting official certification or warranty, or forges such marks; or
- (c) intentionally makes use of such forged or falsified instruments,

is punishable with rigorous imprisonment not exceeding five years.

(2) In petty cases, the Court may pass sentence of simple imprisonment not exceeding three years or fine.

**Article 368.- Importation, Exportation, Purchase, Acceptance in Trust and Offer.**

Whoever exports, imports, purchases, acquires or procures, or accepts in trust, sells or offers for sale or donates, stamps, stamped paper, marks, official weights or measures which he knows to be forged or falsified,

is punishable with simple imprisonment or fine, or in grave cases, with rigorous imprisonment not exceeding two years.

**CHAPTER III**

**COMMON PROVISIONS**

**Article 369.- Counterfeiting without intent to defraud.**

(1) Whoever, without intent to defraud:

- (a) counterfeits or imitates, especially by way of advertisement, or with the intention of uttering them as facsimiles, currencies, bank notes, bonds or security documents, or official stamps or postage stamps that they create, or tend to create, risk of confusion; or
- (b) imports, exports, accepts in trust, offers for sale or donates or utters such counterfeits or imitations,

is punishable with fine, or where the risk of confusion or fraud is particularly great, with simple imprisonment not exceeding three months.

(2) Reproduction for official scientific or information purposes is not a crime.

**Article 370.- Endangering of the Currency, Bonds or Security Documents, or Official Marks, Stamps or Seals.**

Whoever, without the express order or permission of the competent authority or institution:

- (a) sets up, procures, imports, exports, offers or hands over to another, machinery, moulds, dies, paper, metal or other

objects or materials used for making or manufacturing currency, bonds or security documents, official marks, stamps, official titles or seals; or

- (b) accepts, executes or causes to be executed, or delivers or causes to be delivered, orders for currencies, bonds, or security documents, official marks, stamps, official, titles or seals,

is punishable with simple imprisonment or fine.

**Article 371.- Machinery and Means of Falsification.**

- (1) Whoever, with the object of making Unlawful use of them, makes procures, keeps or offers machinery, moulds or dies, paper, metal or any other means for counterfeiting or forging currencies, bank notes, bonds or security documents, official marks, stamps, official titles or seals,

is punishable with simple imprisonment for at least six months and fine.

- (2) Where, however, such machinery and means are intended for counterfeiting or falsifying the national currency, the seal of the State or of any other public authority, the punishment shall be rigorous imprisonment not exceeding seven years.

**Article 372.- Mitigating Circumstances,**

- (1) The Court may without restriction mitigate the punishment (Art. 180) or in special circumstances, exempt from punishment any person taking part in the commission of any of the crimes under this Title who:

- (a) destroys of his own accord machinery and means of counterfeiting before any use whatsoever has been made of them; or
- (b) prevents uttering, use or damage before the crime has come to the knowledge of the public authorities; or
- (c) reveals the existence or preparation of the crime or enables the criminal to be brought to justice.

- (2) The Court may, whether a penalty has been imposed or not, make an order requiring the criminal to enter into a recognizance to be of good behavior (Art. 135) or an order restricting his personal liberty (Art. 145-150) where it is suspected that he may cause danger in the future.

- (3) The Court may reduce the penalty in accordance with the rules on ordinary mitigation (Art. 179) where the making, counterfeiting, forging, debasing or falsification provided in the two preceding chapters is so small or so obvious as not to constitute a serious danger to the interests of the State or to the public.

**Article 373.- Special Aggravating Circumstances.**

Without prejudice to the provisions of the General Part of this Code concerning aggravation of punishment (Art. 84(1)(d)), and seizure of articles (Art. 140), and where the crime is inspired by motives of gain, the punishment shall be fine not exceeding one hundred thousand Birr.

The fine may not exceed two hundred fifty thousand Birr, where the crime of counterfeiting is committed.

**Article 374.- Protection of the Interests of Foreign Sates.**

The provisions of this Title shall apply equally to the various charges in respect of crimes committed on Ethiopian territory against the official currencies, bonds or security documents, bank notes, seals, stamps, marks, weights or measuring instruments of foreign countries, where there is a convention directed to this end or where reciprocal arrangements have been made with a foreign country.

**BOOK IV**

**CRIMES AGAINST THE PUBLIC INTEREST OR THE COMMUNITY**

**TITLE I**

**BREACHES OF PUBLIC CONFIDENCE**

**CHAPTER I**

**Falsification, Forgery And Suppression Of Instruments**

**Article 375.- Material Forgery.**

Whoever, with intent to injure the rights or interests of another, or to obtain for himself or to procure for another any undue right or advantage:

- (a) falsely executes an instrument, such as a writing, a deed or any document or material means constituting proof of, or capable of proving, a fact material, or susceptible of becoming material, to legal proceedings; or
- (b) makes use of the sign manual, signature, mark or stamp of another to make a false instrument; or
- (c) counterfeits an instrument, especially by changing his handwriting, by affixing to the instrument a false signature, mark or stamp, or by signing it in a false capacity purporting to certify its authorship; or
- (d) falsifies an instrument, especially by modifying, deleting, adding or altering, in whole or in part, the name or signature of its author or the terms, figure, facts or material details it contains,

is punishable with simple imprisonment for not less than three months, or, in more serious cases, with rigorous imprisonment not exceeding ten years.

**Article 376. Intangible Forgery.**

Whoever, with the intent specified in Article 375, falsely inserts or causes to be inserted in an instrument, while it is being drawn up, a fact possessing or susceptible of assuming legal significance,

is punishable under Article 375.

**Article 377.- Specified Cases.**

Whoever, with the intent specified in Article 375:

- (a) deceives a third party about the contents of an instrument so that he affixes his signature thereto in the belief that he is signing another instrument, or an instrument of other content; or
- (b) delivers an instrument in the name of a person without that person's consent, or in the name of a non-existent person,

is punishable under Article 375.

**Article 378- Use of Forged Instruments.**

Whoever knowingly makes use of a forged or falsified instrument, is punishable under Article 375.

**Article 379.- Forgery or Falsification of Public or Military Documents.**

(1) Where any of the crimes specified under the preceding provisions of this Chapter is committed on:

- (a) a public register, an official act, an act concerning public interests; or
- (b) an instrument entered into a public register or a holographic will; or
- (c) an instrument or document concerning national defence, or the Defence Forces or their organization, duties or affairs,

the punishment shall be rigorous imprisonment not exceeding fifteen years.

(2) Where the crime is committed by a public servant, officially entrusted with the drawing up, filing, keeping or delivery of extracts from the registers, instruments, deeds or documents in question,

the punishment shall be rigorous imprisonment from five years to twenty-five years.

In very serious cases, the punishment may extend up to life imprisonment.

**Article 380.- Suppression of Instruments.**

- (1) Whoever, with the intent specified in Article 375 damages, tears, destroys, suppresses or takes an instrument of which he has not the right of absolute disposal,

is punishable with simple imprisonment not exceeding two years, in less serious cases, and with rigorous imprisonment not exceeding five years, in more serious ones.

- (2) Where the act has been done to the prejudice of a member of the criminal's family, a near relative or a person having common interest or ties of affection with the criminal, or a person cohabiting with him, proceedings shall be instituted only upon complaint.

#### **Article 381.- Suppression of Public or Military Documents.**

- (1) Where the crime specified under Article 380 above concerns a public or military instrument, the punishment shall be rigorous imprisonment not exceeding ten years.
- (2) Where the crime is committed by a public servant, officially entrusted with the drawing up, registration, keeping, disposal or delivery of such instrument, the punishment shall be rigorous imprisonment not exceeding twenty-five years.  
Where the commission of the crime is very grave, the punishment shall be rigorous imprisonment for life.
- (3) Where the crime is committed negligently, the punishment shall be simple imprisonment or fine.

#### **Article 382.- Falsification or Suppression of Commercial Instruments or Negotiable Securities.**

- (1) Where the forgery or the use of the forged instrument or the act of causing another to make use of it concerns a bill of exchange, a cheque, a promissory note, a bank deposit book or other certificate of deposit in a bank, a credit card, or a document in an institution of deposit or loan, or a share certificate, the punishment shall be rigorous imprisonment not exceeding ten years.
- (2) Where the crime specified under Article 380 is committed on such documents or instruments, the punishment shall be rigorous imprisonment not exceeding ten years.
- (3) Where the crime specified under Article 380 is committed negligently on such documents or instruments, the punishment shall be simple imprisonment or fine.

#### **Article 383.- True or Certified Copies.**

The forgery or suppression of true copies or certified true copies, which, in law, may be accepted as originals, is punishable under the relevant provisions of this Chapter.

#### **Article 384.- Falsification and use of False Public Transport Tickets.**

(1) Whoever, with intent to injure the rights or interests of another, or to procure for himself or another an undue advantage:

(a) makes without lawful authority, falsifies or counterfeits, vouchers, passes or tickets for transport, whether by land, by sea or by air, or for persons, animals, objects or goods; or

(b) after genuine tickets, vouchers or passes have been used, cancelled or punched, gives them the appearance of valid tickets, vouchers or passes in order to use them or to cause them to be used anew,

is punishable with simple imprisonment and fine.

(2) Whoever knowingly makes use of such falsified or used tickets, vouchers or passes as if genuine,

is punishable with fine, or, according to the circumstances of the case, with simple imprisonment not exceeding three months.

## **CHAPTER II FORGERY OF CERTIFICATES**

### **Article 385.- Forged Certificates.**

(1) Whoever, for the purpose of obtaining for himself or procuring for another an advantage or betterment:

(a) falsifies or counterfeits documents evidencing legitimate rights, personal papers, certificates or testimonials, no matter what their object, or knowingly hands such a paper to another to make unlawful use of it; or

(b) knowingly makes use of paper thus falsified or counterfeited, or of a genuine paper not intended for his use or not relating to himself,

is punishable with simple imprisonment or fine.

Simple imprisonment shall not exceed one year in cases involving private certificates or testimonials, and shall not be less than three months in the case of official papers, such as identity cards or birth certificates, certificates of destitution, of good conduct or of fitness or unfitness, or of extracts from public registers or rolls.

(2) Where the crime is committed by a public servant entrusted with the drawing up, filing, keeping or delivery of such papers, but without the intent of injuring the rights of another (Art. 375), the punishment shall be simple imprisonment from six months to five years or fine or both.

(3) Where the crime is committed negligently, the punishment shall be fine not exceeding one thousand Birr.

### **Article 386.- Fraudulent Procurement of False Official Certification.**

Whoever, for the purpose of obtaining for himself or procuring for another an advantage or betterment:

- (a) induces, by deceit, a public servant or any other person authorized to verify or establish a fact of legal significance, to certify falsely the authenticity of a date, document or signature, the truth of a copy, or any other similar fact; or
  - (b) knowingly makes use of an attestation thus obtained to deceive another,
- is punishable with simple imprisonment or fine.

**Article 387.- Issuing False Medical Certificate.**

- (1) Any doctor, dentist, pharmacist, veterinary surgeon, midwife or other person entitled professionally to issue certificates of a medical nature who makes out a certificate which is untrue and calculated to procure an unlawful advantage for, or to injure the legitimate interests of, another person, knowing that such certificate will be used,

is punishable with simple imprisonment or fine, without prejudice to secondary professional penalties (Art.123(c)) in the event of repetition of the crime.

- (2) Where the false certificate has been issued for a consideration, a promise of a consideration, or other benefit, the punishment shall be rigorous imprisonment not exceeding ten years and fine not exceeding fifty thousand Birr.
- (3) Where the person who has made the false medical certificate is a public servant, and has acted in his official capacity, the punishment shall be simple imprisonment for not less than three years, or, where the case is serious, rigorous imprisonment not exceeding ten years in respect of a crime under sub-article (1); and  
rigorous imprisonment not exceeding fifteen years and fine not exceeding one hundred thousand Birr in respect of a crime under sub-article (2).
- (4) Whoever knowingly makes use of a false certificate to deceive another, is punishable with the penalty prescribed under sub-article (1) of this Article.

**Article 388.- Concurrent Crimes.**

Where a person has obtained and used a false testimonial or a false certificate, or a genuine certificate not relating to himself or not intended for his use, with the intention of thereby committing a further crime, such as, in particular, breach of trust or fraudulent misrepresentation, and where such further crime has at least been attempted,

the Court shall determine the sentence in the light of the general rule relating to aggravation of the penalty in case of concurrence (Art. 66).

**Article 389.- False Declaration and Entries.**



- (1) Any employer, hotelier or innkeeper, or other person required by law to keep a register or list of individuals or activities subject to the control of the authorities, who intentionally:
  - (a) enters, or causes or permits to be entered, names, dates or personal or material details which are untrue; or
  - (b) omits to enter them or to cause them to be entered in accordance with the facts,is punishable with simple imprisonment or fine.
- (2) Where the criminal has acted for pecuniary consideration, the punishment shall be simple imprisonment for not less than one year and fine.

**Article 390.- Instruments and Means of Falsification.**

- (1) Whoever, with intent to make unlawful use thereof, makes, procures or possesses, delivers or offers for sale or gift any material, means or instrument intended for the counterfeiting of official papers, certificates, diplomas or documents,  
  
is punishable with rigorous exceeding five years and fine.
- (2) Whoever, of his own accord, destroys such material means or instrument before any use whatsoever has been made of them may be exempted from any punishment.

**CHAPTER III  
FALSIFICATION OF GOODS**

**Article 391 .- Falsification and Adulteration.**

Whoever, with intent to deceive another, falsifies, counterfeits, adulterates or alters goods,

is punishable with rigorous exceeding seven years and fine.

**Article 392.- Uttering.**

- (1) Whoever, with intent to deceive another, offers, sells or utters falsified, counterfeit, adulterated or altered goods as genuine, unadulterated or intact, shall be liable to the punishment prescribed under Article 391 above.
- (2) Negligence is punishable with fine not exceeding ten thousand 8irr in the gravest cases where it was the duty of the criminal, especially as a tradesman, to exercise particular circumspection or care.

**Article 393.- Importation, Exportation, Acquisition and Storing of Goods.**

Whoever imports, exports, acquires or procures or accepts for storage falsified, counterfeited, altered or adulterated goods, for the purpose of deceiving another, or knowing that they are intended to deceive,  
is punishable with rigorous imprisonment not exceeding seven years and fine.

**Article 394.- Aggravation and Collateral Penalties.**

- (1) Where the criminal had made a profession of the above-mentioned crime, the punishment shall be rigorous imprisonment from five years to ten years, and a fine not less than five thousand Birr, according to the gravity of the case.
- (2) Nothing shall affect confiscation of the goods and publication of the sentence.

**Article 395.- Falsification and Adulteration Injurious to Health.**

Nothing shall affect the provisions relating to the manufacture, adulteration and sale of noxious or damaged foodstuffs, goods and other products capable of injuring health (Art. 527), which shall be applied where appropriate.

**TITLE II  
BREACH OF SECRECY AGAINST PUBLIC INTEREST**

**Article 396.- Breaches of Military Secrecy.**

- (1) Any member of the Defence Forces, or any person in the service thereof, who, apart from cases of treason and espionage punishable under the relevant provisions (Arts. 248-252), discloses or communicates information, papers or facts which are secret, or have been secret by order, or are not intended for publication, which have come to his knowledge in the course of his duties,

is punishable, even where his duties have ended, with rigorous imprisonment not exceeding seven years.

- (2) The punishment shall be rigorous imprisonment not exceeding fifteen years:
  - a) where the crime concerns secret information or document kept in cipher, or of which the safekeeping had been expressly entrusted to the accused person, or where the latter has sworn an explicit oath of secrecy; or
  - b) Where the damage caused by the crime affects particularly vital interests.
- (3) Where the crime is committed negligently, the punishment shall be fine or simple imprisonment not exceeding one year in the case of the simple crime under sub-article (1), or simple imprisonment not exceeding three years where there is aggravation under sub-article (2) above.

**Article 397.- Breaches of Official Secrecy.**

- (1) Public servants (Art. 402) who disclose information, documents or facts which are secret within the meaning of Article 396 and which have come to their knowledge in the course of their duties, are punishable with simple imprisonment or fine, whether the disclosure was made during the period of their employment, office or duties or after termination thereof.
- (2) Where there is aggravation due to the criminal's special obligation to maintain secrecy or special position of trust, or to the gravity of the damage caused by the breach of duty, the punishment shall be rigorous imprisonment not exceeding ten years.
- (3) Where the crime is committed negligently, the punishment shall be fine not exceeding one thousand Birr, or simple imprisonment not exceeding one year in the case of the simple crime under sub-article (1), or simple imprisonment not exceeding three years in the case of the crime under sub-article (2), hereinabove.

**Article 398.- Authorized Disclosure.**

Disclosure in the interest of the public before a Court of justice or a competent Court of inquiry is not punishable where it is made with the written consent of the competent civil, administrative or military authority.

**Article 399.- Breaches of Professional Secrecy.**

- (1) Ministers of religion of whatever belief, advocates, legal advisers, attorneys, arbitrators, experts, jurors, translators and interpreters, notaries, directors, managers, inspectors or employees of private companies or undertakings pledged to secrecy under the provisions of the Civil and Commercial Codes, and doctors, dentists, pharmacists, midwives, nurses and auxiliary medical personnel, who disclose a secret which has come to their knowledge in the course of their professional duties, whether or not such duties have ended at the moment of disclosure, are punishable, upon complaint, with simple imprisonment or fine.
- (2) Students, probationers or apprentices who disclose a secret which they have learned in the course of their professional training are liable to the punishment prescribed under sub-article (1) above.
- (3) Where the breach is committed negligently, it is punishable, upon complaint, with fine not exceeding one thousand Birr or simple imprisonment not exceeding one year.

**Article 400.- Authorized Disclosure.**

- (1) Any disclosure shall not be punishable:
- (a) where it is made with the express consent of the person interested in keeping the secret;
  - (b) where, at the suggestion or request of the possessor of the secret, the competent higher professional or supervisory body has given its written permission for disclosure;
  - (c) where it is made following an express decision of a Court of justice in a specific case; or
  - (d) where special provisions of the law permit or impose the duty, in the interests of public order, to give evidence before a Court of justice or to inform a public authority.
- (2) Where disclosure is expressly ordered by law, by a Court of justice or by the competent authority, the possessor of the secret cannot invoke his professional obligation to maintain secrecy.
- The secrecy of religious confession is at all times inviolable.

**Article 401.- Disclosure of Scientific, Industrial or Trade Secrets.**

- (1) Whoever, in violation of his legal, contractual or occupational obligation, discloses an economic, scientific or technological development or information, industrial or trade or scientific secret or scientific method of its application, to a person to whom he is not expected so to do, with intent to cause prejudice to its owner or the possessor, or to derive an advantage from it for himself or another,
- is punishable with simple imprisonment not exceeding one year, and fine not exceeding ten thousand Birr.
- (2) Where a scientific secret vital to national defence is disclosed, the special provisions specified under Article 396 shall apply.

**TITLE III  
CRIMES AGAINST PUBLIC OFFICE**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 402.- Definitions.**

- (1) "Public servant" means any person who temporarily or permanently performs functions being employed by, or appointed, assigned or elected to, a public office or a public enterprise.
- (2) "Public office" means any office fully or partially financed by government budget, and which performs the functions of the Federal or Regional Governments.
- (3) "Public enterprise" means a Federal or Regional Government enterprise or share company, in which the Government has total or partial share as an owner.
- (4) In this Title, unless the context requires otherwise, "advantage" means:

- a) any gift, loan, fee, reward or commission consisting of money, or of any valuable security or of other property or interest in property;
  - b) any office, employment or contract;
  - c) any payment, remission, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
  - d) any service or favour, including protection from any penalty or disability, incurred or apprehended or from any action of an administrative, civil or criminal nature, whether or not already instituted;
  - e) the exercise of, or forbearance from the exercise of, any right, duty or obligation;
  - f) any other advantage or service other than those listed above and not assessable in terms of money; and
  - g) any offer, undertaking or promise of any advantage within the meaning of any of the preceding paragraphs from (a) to (f).
- (5) "Undue advantage" means an improper benefit or a benefit obtained through improper means.

**Article 403.- Presumption of Intent to Obtain Advantage or to Injure.**

Unless evidence is produced to the contrary, where it is proved that the material element (the act) has been committed as defined in a particular Article providing for a crime of corruption perpetrated to obtain or procure undue advantage or to cause injury, such act shall be presumed to have been committed with intent to obtain for oneself or to procure for another an undue advantage or to injure the right or interest of a third person.

**Article 404.- Principle**

Any public servant who commits one of the crimes specified in this Title shall be liable to the punishments prescribed hereunder.

- (1) Where the act which a public servant has done or omitted to do in the discharge of his duties, and in respect to which he is charged, comes within the scope of ordinary criminal law, but there is aggravation due to the criminal's public position and the breach of the special responsibility upon him by virtue of the trust placed in him, the relevant provisions of the other titles of this Code shall apply.
- (2) Any public servant who, with intent to obtain for himself or to procure for another an undue advantage or to injure the right of another, directly or indirectly, accepts or solicits an undue advantage by improperly performing his responsibility or duty; or who, in any other way, misuses the responsibility or public trust

vested in him to procure an undue advantage for himself or another; or

Any person who, with intent to obtain for himself or to procure for another an undue advantage or to injure the right of another, promises, offers, gives or agrees to give an undue advantage to a public servant; or

Any person who gives, or any public servant who accepts, an undue advantage in consideration for an act of public office properly performed or to be performed,

shall be deemed to have committed crimes of corruption specified in this Chapter, and be liable to the punishments prescribed in the provisions below.

- (3) In addition to the crimes specified in Chapter II Section I and Chapter III Section I of this Title the crimes of corruption also include corrupt electoral practices (Art. 468), forgery or falsification of public or military documents (Art. 479), aggravated breach of trust (Art, 676(1)), and the commission of and aiding in money laundering (Art. 684), aggravated fraudulent misrepresentation committed by a public servant (Art.696 (a)).
- (4) Any public servant shall, in addition to the punishment under the provision infringed, forfeit the profit, money or property unlawfully obtained, or pay its equivalent value where the profit or property is not found.

**Article 405.- The Concurrent Application of Administrative Penalties and Compensation.**

conviction or acquittal under the provisions of this Chapter shall not exclude liability for damages and/or administrative penalties.

**Article 406.- Exemption from Prosecution.**

- (1) Whoever, having taken part in a corruption crime, supplies vital information on the crime committed and the role of participants therein, before the matter is taken to Court, may be exempted by the competent organ from prosecution in accordance with this Criminal Code.
- (2) Special procedures shall be laid down in the Criminal Procedure Code concerning the assessment of the vitality of the information and the conditions for exemption from prosecution of the person who has disclosed the crime.
- (3) The bribe, gift or valuable thing a person has given in consideration for service he has lawfully obtained or is entitled to obtain shall be restored to him out of the property forfeited to the State on account of the crime, where he has disclosed his act of giving such an advantage.

## CHAPTER II

### CRIMES COMMITTED BY PUBLIC SERVANTS AGAINST PUBLIC OFFICE

#### Section I.- Corruption Crimes Committed by Public Servants in Breach of Trust and Good Faith

##### Article 407.- Abuse of Power.

- (1) Any public servant who, with intent to obtain for himself or to procure for another an undue advantage or to injure the right or interest of another:
  - a) misuses his official position or the power proper to his office, whether by a positive act or by a culpable omission; or
  - b) exceeds the power with which he is officially invested; or
  - c) performs official acts when he is not, or is no longer, qualified to do so, especially in the case or in consequence of incompetence, suspension, transfer, removal from office or its cessation,is punishable, according to the circumstances of the case with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding ten years and fine, where there is no express provision in this Code concerning the matter.
- (2) Where the purpose of the breach of responsibility or duty solicited, the amount of the money or gifts received in consideration, the official capacity or powers of the person corrupted or the extent of the harm to private, public or State interests renders the case of particular gravity, the punishment shall be rigorous imprisonment from seven years to fifteen years and fine not exceeding fifty thousand Birr.
- (3) Where two or more of the circumstances mentioned in sub-article (2) are found concurrently, the punishment shall be rigorous imprisonment from ten years to twenty-five years and fine not exceeding one hundred thousand Birr.

##### Article 408.- Corrupt Practices.

- (1) Any public servant who, directly or indirectly, seeks, receives or exacts a promise of an advantage for himself or another, in consideration for the performance or omission of an act, in violation of the duties proper to his office, is punishable with simple imprisonment for not less than one year, or rigorous imprisonment not exceeding ten years and fine not exceeding twenty thousand Birr.
- (2) Where the purpose of the breach of responsibility or duty solicited, the extent of the advantage received, the official capacity or powers of the person corrupted or the extent of the harm to private, public or State interests renders the case of particular gravity, the

punishment shall be rigorous imprisonment from seven years to fifteen years and fine not exceeding fifty thousand Birr.

- (3) Where two or more of the circumstances mentioned in sub-article (2) above are present concurrently, the punishment shall be rigorous imprisonment from ten years to twenty-five years and fine not exceeding one hundred thousand Birr.
- (4) Any public servant who, in the manner specified under sub-article (1) of this Article, and in respect of a duty connected with international trade, solicits, accepts or agrees to accept an advantage or a gift from any foreign State, person or organization, including a transnational corporation, shall, according to the circumstance of the case, be liable to one of the punishments prescribed in the three sub-articles hereinabove.

#### **Article 409.- Acceptance of Undue Advantages.**

- (1) Any public servant who, for the performance of an act proper to his office, solicits or obtains an advantage or exacts a promise before or after the performance of such an act,

is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding seven years and fine not exceeding ten thousand Birr.

- (2) Where the extent of the advantage received or the official capacity or powers of the person corrupted renders the case of particular gravity, the punishment shall be rigorous imprisonment from five years to fifteen years and fine not exceeding thirty thousand Birr.
- (3) Where the crime is committed in respect of a duty connected with international trade, the punishment prescribed in the sub-articles herein above shall be applicable, according to the circumstances of the case.

#### **Article 410.- Corruption Committed by Arbitrators and Other Persons.**

- (1) Any conciliator, arbitrator, juror, trustee or liquidator, translator or interpreter engaged by the public authorities in their technical capacity, or expert testifying before or giving his opinion to judicial or quasi-judicial proceedings, who solicits or accepts an advantage or gift from a person interested in the matter, in consideration for the performance or omission of an act in violation of the duties proper to his office,

is punishable, according to the circumstances of the case, with one of the penalties prescribed under the first three sub-articles of Article 408.

- (2) Whenever one of the persons mentioned under sub-article (1) solicits or accepts an advantage or gift, before or after



performing an act proper to his office or duty, he shall, according to the circumstances of the case, be liable to one of the penalties prescribed under the first two sub-articles of Article 409 of this Code.

**Article 411.- Maladministration.**

- (1) Any public servant who, with intent to obtain for himself or to procure for another an undue advantage, and by using his power or responsibility:
  - a) improperly takes or ensures for himself, by concluding a contract or by devising other means, an interest in a business or other undertaking, a sale or a purchase, or any other transaction related with his duty; or
  - b) concludes a supply or public works contract or any other transaction at a price higher than that fixed by the competent authority; or
  - c) in general, by any means, injures the public interests entrusted to his charge and which it is his duty to protect, is punishable with rigorous imprisonment not exceeding ten years and fine not exceeding fifty thousand Birr.
- (2) Where the purpose of the breach of responsibility or duty solicited, the extent of the advantage received, the official capacity or powers of the person corrupted or the extent of the harm to private, public or State interests renders the case of particular gravity, the punishment shall be rigorous imprisonment from seven years to fifteen years and fine not exceeding one hundred thousand Birr.
- (3) Where two or more of the circumstances mentioned in sub-article (2) above are present concurrently, the punishment shall be rigorous imprisonment from ten years to twenty-five years and fine not exceeding two hundred thousand Birr.
- (4) The punishment shall be simple imprisonment, or rigorous imprisonment not exceeding five years and fine, where the criminal, without intent to obtain an advantage for himself or to procure the same for another:
  - a) has caused a contract to be concluded, relating to a business or other undertaking, a purchase or sale, or any transaction concerning his department, between his office and an organization in which he himself or his close relative or a person with whom he has a bond of affection is an interested party or a shareholder, or with a charitable organization of which he is a founder or a member; or
  - b) has purchased certain property or taken part in an auction, while prohibited by law or regulations from so doing, in his own name or in the name of, or together with, another person.

"Relative" means a person who is related to the criminal, in accordance with the relevant law, by consanguinity or by affinity.

**Article 412.- Unlawful Disposal of Object in Charge.**

- (1) Any public servant who, without lawful authority but without intent to appropriate:
  - (a) opens or permits to be opened, takes or permits to be taken, communicates or hands over to another a packet, envelope or document, securities, or any other object whatsoever received on deposit or under seal; or
  - (b) makes use of such objects, or authorized another to make use of them,

is punishable with fine not exceeding seven thousand Birr or simple imprisonment not exceeding five years, where the act does not fall under a provision prescribing a more severe penalty.

- (2) Where the crime had been committed for purposes of speculation, the punishment shall be rigorous imprisonment not exceeding five years and fine.
- (3) Where the crime is committed negligently, the punishment shall be fine not exceeding one thousand Birr.

**Article 413.- Appropriation and Misappropriation in the Discharge of Duties.**

- (1) Any public servant who with intent to obtain for himself or to procure for another an undue material advantage;
  - a) appropriates to himself objects, legal instruments, securities, cash, chattels or any consumable thing whatsoever in the course of a search, seizure or process of confiscation, public auction, sequestration or distraint, or during any other similar procedure; or
  - b) misappropriates such objects or securities which have been entrusted to him or which have come into his hands by virtue of or in the course of his duties,

is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding ten years and fine.

- 2) Where the extent of advantage obtained, the official capacity or powers of the person corrupted or the extent of the harm to private, public or State interest renders the case of particular gravity,

the punishment shall be rigorous imprisonment from seven years to fifteen years and fine not exceeding thirty thousand Birr

- (3) Where two or more of the circumstances mentioned in sub-article (2) are present concurrently,

the punishment shall be rigorous imprisonment from ten years to twenty-five years and fine not exceeding fifty thousand Birr.

**Article 414.- Traffic in Official Influence.**

- (1) Any public servant who solicits or accepts a gift or other advantage to procure for another, through the exercise of the influence, real or pretended, he enjoys by reason of his being a public servant:

- a) a situation, an office, employment, declaration, reward or favour within the dispensation of the competent authority; or
- b) contracts, deals, undertakings, orders or other benefits resulting from agreements concluded with the public authorities or with an administration placed under his control or direction; or
- c) in general, an advantage or a favourable decision on the part of a public authority or administration.

is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding ten years and fine not exceeding thirty thousand Birr.

- (2) Where the purpose of the breach of responsibility or duty solicited, the extent of the advantage received, the official capacity or powers of the person corrupted or the extent of the harm to private, public or State interests renders the case of particular gravity, the punishment shall be rigorous imprisonment from seven years to fifteen years and fine not exceeding fifty thousand Birr.
- (3) Where two or more of the circumstances mentioned in sub-article (2) above are present concurrently, the punishment shall be rigorous imprisonment from ten years to twenty-five years and fine not exceeding one hundred thousand Birr.

**Article 415.- Illegal Collection or Disbursement.**

- (1) Any public servant who, with intent to obtain an undue advantage for himself:
- a) collects or orders the collection of taxes, dues, miscellaneous revenues or incomes, wages, salaries, compensation or other expenses, which he knows not to be due or to be in excess of what is legally due; or
  - b) hands over or pays less than is due, while consigning or disbursing any object or money,

- is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding ten years and fine not exceeding fifteen thousand Birr.
- (2) Where the crime is committed under one of the circumstances specified in sub-article (2) of Article 414 above, the punishment shall be rigorous imprisonment from seven years to fifteen years and fine not exceeding thirty thousand Birr.
  - (3) Where the crime is committed under the circumstances specified in Article 414 above, the punishment shall be rigorous imprisonment from ten years to twenty-five years and fine not exceeding fifty thousand Birr.
  - (4) Where the crime is committed negligently, it is punishable with simple imprisonment and fine.

**Article 416:- Undue Delay of Matters.**

Any public servant who, with intent to obtain an advantage, directly or indirectly, from any person interested in a matter brought to his attention by reason of his responsibility or duty, or to benefit or injure any party interested in such matter, fails, without good cause, to decide on or delays the matter or abuses the interested party contrary to law, manuals or accepted office practices,

shall, apart from the cases penalized as petty offer be punishable, according to the circumstances of case, with fine or simple imprisonment, or with rigorous imprisonment not exceeding five years.

**Article 417.- Taking Things of Value without or with Inadequate Consideration.**

- (1) Any public servant who, without proper cause receives a thing of value without or with inadequate consideration,

is punishable with simple imprisonment exceeding five years.

- (2) Where the declaration or registration of property, financial status or gifts received is required by law or regulations, failure to do so shall be punishable as prescribed under sub-article (1) of this Article.

Receiving a valuable gift considered by national or local culture or custom as a common manifestation of affection, or obtaining a gift from a close relative by consanguinity or affinity or by a close friend,

does not constitute a crime under this Article.

**Article 418.- Granting and Approving License Improperly.**

Any public servant who intentionally grants or approves a business license or work permit to an ineligible person or to a

person not legally entitled to obtain such license or permit, or improperly grants or permits a place where things are to be done,

is punishable, according to the circumstances of the case, with simple imprisonment or with rigorous imprisonment not exceeding ten years.

#### **Article 419.- Possession of Unexplained Property.**

- (1) Any public servant, being or having been in a public office, who:
  - a) maintains a standard of living above that which is commensurate with the official income from his present or past employment or other means; or
  - b) is in control of pecuniary resources or property disproportionate to the official income from his present or past employment or other means,shall, unless he gives a satisfactory explanation to the Court as to how he was able to maintain such a standard of living or how such pecuniary resources or property came under his control, be punished, without prejudice to the confiscation of the property or the restitution to the third party, with simple imprisonment or fine, or in serious cases, with rigorous imprisonment not exceeding five years and fine.
- (2) Where the Court, during proceeding under sub-article (1)(b), is satisfied that there is reason to believe that any person, owing to his closeness to the accused or other circumstances, was holding pecuniary resource or property in trust for or otherwise on behalf of the accused, such resources or property shall, in the absence of evidence to the contrary, be presumed to have been under the control of the accused.

### **Section II.- Crimes Committed in Breach of Official Duties**

#### **Article 420.- Crimes Committed in Dereliction of Duty.**

- (1) Any public servant who fails to carry out his duties in a proper manner and to the prejudice of State, public or private interest,

is punishable with fine not exceeding one thousand Birr or simple imprisonment not exceeding six months.
- (2) Where substantial damage has resulted from the crime, both simple imprisonment and fine may be increased up to the general legal maximum.

#### **Article 421.- Unlawful Striking.**

Any public servant who, in breach of his professional or statutory obligations, goes on strike of his own free will, or urges others to strike,

is punishable under Article 420.

**Article 422.- Abuse of the Right of Search or Seizure.**

- (1) Any public servant who, without legal authority, executes acts of search, seizure or sequestration of a person's property,

is punishable with rigorous imprisonment not exceeding seven years.

- (2) Any public servant who, even when lawfully authorized to carry out searches or to effect seizure, enters another person's house or premises by using excessive force, or who executes acts of search, seizure or sequestration other than those authorized by law or without due regard for the conditions and forms thereby prescribed,

is punishable with rigorous imprisonment not exceeding five years and fine.

**Article 423.- Unlawful Arrest or Detention.**

Any public servant who, contrary to law or in disregard of the forms and safeguards prescribed by law, arrests, detains or otherwise deprives another of his freedom,

is punishable with rigorous imprisonment not exceeding ten years and fine.

**Article 424.- Use of Improper Methods.**

- (1) Any public servant charged with the arrest, custody, supervision, escort or interrogation of a person who is under suspicion, under arrest, summoned to appear before a Court of justice, detained or serving a sentence, who, in the performance of his duties, improperly induces or gives a promise, threatens or treats the person concerned in an improper or brutal manner, or in a manner which is incompatible with human dignity or his office, especially by the use of blows, cruelty or physical or mental torture, be it to obtain a statement or a confession, or to any other similar end, or to make him give a testimony in a favourable manner,

is punishable with simple imprisonment or fine, or in serious cases, with rigorous imprisonment not exceeding ten years and fine.

Nothing in this Article shall affect the concurrent application of the relevant provision where the act constitutes an additional crime.

- (2) Where the crime is committed by the order of an official, such official shall be punished with rigorous imprisonment not exceeding fifteen years and fine.

**Article 425.- Unlawful Release and Aiding to Escape.**

- (1) Any public servant who:
- (a) contrary to the law or instructions given to him, releases a person entrusted to his custody under lawful arrest or imprisonment; or
  - (b) causes, permits or aids any such person to escape,
- is punishable with simple imprisonment not exceeding three years and fine not exceeding three thousand Birr.
- (2) Where the circumstances or the means used for the escape or improper release, the damage caused by it, the seriousness of the grounds on which the detention was ordered, or the dangerous character of the person detained renders the case of exceptional gravity, the fine may be increased up to the maximum prescribed by law and the punishment of deprivation of liberty shall be rigorous imprisonment not exceeding five years.
- (3) Where the crime is committed negligently, the punishment shall be fine not exceeding one thousand five hundred Birr and simple imprisonment not exceeding one year.

**Article 426.- Release of Prisoners of War, or Military Internees and Aiding to Escape.**

- (1) Any public servant who, contrary to law or instructions, releases or aids to escape prisoners of war or military internees under his custody,
- is punishable with rigorous imprisonment not exceeding fifteen years.
- (2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding two years.

**CHAPTER III  
CRIMES AGAINST PUBLIC OFFICE BY THIRD PARTIES**

**Section I.- Crimes of Corruption Committed by Third Parties in Connection with Public Office**

**Article 427.- Soliciting of Corrupt practices.**

- (1) Whoever, with intent to procure a public servant to perform or omit an act in violation of the duty proper to his office, gives or offers an advantage or gift to such public servant,
- is punishable, according to the circumstances of the case, with simple imprisonment, or with rigorous imprisonment not exceeding seven years and fine not exceeding fifteen thousand Birr.

- (2) Whoever gives or offers an advantage or gift to official or employee of a foreign State international organization, with intent to procure him to perform or omit an act related to international trade in violation of his official duties,

is punishable as provided under sub-article (1).

- (3) Where the advantage or gift offered by the criminal is considerable, or where the act has caused substantial damage to State, public or private interests, the punishment shall be rigorous imprisonment from five years to fifteen years and fine not exceeding fifty thousand Birr.

- (4) Any person who, in consideration for the performance by a public servant of an act proper to his office, gives or offers him an advantage or a gift before or after the performance of such an act,

is punishable, according to the circumstances of the case, with fine, or simple imprisonment, or with rigorous imprisonment not exceeding five years.

- (5) Where the crimes specified in the preceding sub-articles are committed by a juridical person, the punishment shall be fine as provided under Article 90 (3).

- (6) In Addition to the punishment laid down under this Article, the Court may give an order depriving the criminal, permanently or temporarily, of his right to take part in any contract or transaction with the State.

**Article 428.- Giving Things of Value Without or With Inadequate Consideration.**

Whoever, in the circumstances specified under Article 417, offers, gives or agrees to give to any public servant or to any other person related to him, anything of value without or with an inadequate consideration,

is punishable with simple imprisonment not exceeding five years.

**Article 429.- Acting as a go-between.**

Whoever, even without receiving any consideration for himself, accepts money, a valuable thing, a service or some other benefit from another with a view to giving it as bribe to a public servant or who lends his banking account by acting as a go-between,

is punishable, according to the circumstances of the case, with simple imprisonment, or with rigorous imprisonment not exceeding ten years and fine.

**Article 430.- Use of Pretended Authority.**



Whoever, promising to perform certain things, solicits or accepts an undue advantage or gift from another:

- a) by pretending to be still on active duty while he has been suspended, transferred, removed or dismissed from or has quitted his public office; or
- b) by entertaining the belief of becoming a public servant in the future; or
- c) by holding himself on to be a public servant,

is punishable according to the circumstances of the case, with simple imprisonment, or with rigorous imprisonment not exceeding ten years.

**Article 431.- Traffic in Private Influence.**

Whoever, not being a public servant and not being liable to the special provision (Art 414), seeks, exacts a promise or receives sums of money, gifts, presents or other advantages in consideration for exercising his influence, real or pretended, to procure for another any privilege, benefit or advantage which can only be granted by a public servant,

is punishable with simple imprisonment for not less than one year or fine not less than two thousand Birr.

**Section II.- Crimes Committed by Third Parties Against the Performance of Public Duty**

**Article 432.- Contempt of official notices and proclamations.**

Whoever, without authority or a right so to do, intentionally removes, damages, destroys or renders illegible notices, proclamations or decisions publicly exhibited by the authorities,

is punishable with simple imprisonment not exceeding six months or fine not exceeding one thousand Birr.

**Article 433.- Engaging in an activity without or beyond the scope of a license.**

Whoever performs any activity, in respect of which a license is required by law or regulations, without obtaining such license or by exceeding the limits of his license,

is punishable according to the circumstance of the case with simple imprisonment or fine; or with rigorous imprisonment not exceeding five years and fine.

**Article 434.- Infraction of the Rules Concerning Compulsory Registration.**

(1) Whoever intentionally fails within the time-limits fixed by law to make to the competent authorities a declaration required to ensure the due entry in the official registers of marriages or deaths, of property or commercial or other transactions, of facts or certified statements relating to the status of individuals to real estate transactions, to the establishment or operation of companies or to any other like obligation,

is punishable with simple imprisonment not exceeding three months or fine not exceeding one thousand Birr.

(2) Where the failure to make such declaration is habitual or repeated, or is in defiance of an order or summons issued by the competent authority, the punishment shall be simple imprisonment not exceeding six months, or fine not exceeding two thousand Birr.

(3) Nothing in this Article shall affect the special provision regarding the failure to register the birth or an infant (Art. 656).

#### **Article 435.- Breach of Prohibition to publish Official Debates or Documents.**

Whoever, not being entitled or expressly authorized so to do, publishes in whole or in part deeds, reports, instructions, deliberations or decisions of a public authority, the content of which is required to be kept secret by law or by virtue of an express decision of the competent authority, is punishable with simple imprisonment not exceeding three years or fine.

#### **Article 436.- Arbitrary Action.**

Whoever, without authority or contrary to the law:

- (a) seizes, against the will of the possessor, a chattel or pledge he has handed over to him, or which is the subject of legal proceedings; or
- (b) seizes a chattel belonging to his debtor in order to obtain a payment due to him; or
- (c) in general, arbitrarily exercise a right which he does not possess or which he may not lawfully exercise, is punishable with simple imprisonment not exceeding one year, or fine not exceeding five thousand Birr.

#### **Article 437.- Usurpation of Powers.**

(1) Whoever, for an unlawful purpose or to obtain for himself or to procure for another, an advantage, arrogates to himself the power, the insignia, the rank of a commission or an authority, or the power to issue official orders of any kind,

is punishable with simple imprisonment not exceeding one year, or fine not exceeding one thousand Birr.

- (2) Where the crime is committed to abuse another or to cause him to suffer an injury, the punishment shall be simple imprisonment or fine.

**Article 438.- Obstruction of Government Functions and Breaches of the Duty to Co-operate.**

Whoever, having been requested by a public servant in accordance with law or a Court order given in connection with public office refuses to appear and provide statements, to give proper responses, to produce documents or to have them inspected, or to have different houses, places or things searched, or fails in general to co-operate in an investigation or in any other way obstructs public office,

is punishable with simple imprisonment not exceeding five years or fine.

**Article 439.- Breaking of Seals and Misappropriation of Objects.**

Whoever intentionally and without lawful authority:

- (a) removes, damages or breaks an official seal mark, or sign affixed for the purpose of identifying, closing, preserving or protecting an object, a writing or a document, or for prohibiting access to any place, or nullifies the effect of such seal, mark or sign in any way; or
- (b) purloins, misappropriates, damages or destroys objects, writings or documents seized, sequestered or placed in the hands of or entrusted to the care or safekeeping of the public authorities or of a third party,

is punishable with rigorous imprisonment not exceeding five years, or fine not exceeding ten thousand Birr.

**Article 440.- Resisting Authority.**

- (1) Whoever, without proper cause:

- (a) offers resistance to a public servant in the exercise of his official duties; or
- (b) fails, when summoned to do so by a public servant in the exercise of his duties, to quit an unlawful assembly or a prohibited place, or to take part in measures to combat a public damage, caused by a conflagration, floods or any other like happening; or
- (c) fails to obey a lawful decision of a competent authority duly notified to him under pain of the penalty prescribed in this Article,

is punishable with simple imprisonment not exceeding one year or fine not exceeding one thousand Birr.

- (2) Where the resistance to authority or disobedience is accompanied by force, intimidation, violence or assault, the provisions of Article 441 shall apply.

**Article 441.- Violence and Coercion.**

- (1) Whoever:
- (a) by use of threats, coercion or violence, prevents a public servant from performing an act which it is his duty to perform, or forces him to perform such an act or an act which he is not supposed to do; or
  - (b) strikes a public servant or his assistants or uses violence or any other act of coercion against him, is punishable with simple imprisonment not exceeding three years, or fine not exceeding five thousand Birr.
- (2) According to the gravity of the crime and the rank of the victim, where the latter has been threatened, coerced or struck by means of a weapon or other instruments, the punishment shall be rigorous imprisonment not exceeding five years.
- (3) Where the assault or violence has caused physical injury or impairment of health on the victim, the relevant provision of concurrence of crimes shall apply.

**Article 442.- Collective Action.**

Where the intimidation, coercion, or violence is the deed of an unlawful assembly or rioting mob, the relevant provisions (Art. 484 and 488) shall apply concurrently.

**TITLE IV  
CRIME AGAINST THE ADMINISTRATION OF JUSTICE**

**CHAPTER I  
CRIMES AGAINST JUDICIAL PROCEEDINGS**

**Article 443.- Failure to Report a Crime.**

- (1) Whoever, without good cause:
- a) knowing the commission of, or the identity of the perpetrator of, a crime punishable with death or rigorous imprisonment for life, fails to report such things to the competent authorities; or
  - b) is by law or by the rules of his profession, obliged to notify the competent authorities in the interests of public security or public order, of certain crimes or certain grave facts, and does not do so,

is punishable with fine not exceeding one thousand Birr, or simple imprisonment not exceeding six months.

(2) Nothing in this Article shall affect the provisions of Articles 254 and 335.

**Article 444.- Crimes against Whistleblowers or Witnesses.**

(1) Whoever assaults, suppresses or harms any person who gives information or evidence to justice authorities or is a witness in criminal cases,

is punishable with simple imprisonment or fine.

(2) Where the crime has entailed grave harm to the body or health of the victim or his death, the relevant provision concerning such matters shall apply concurrently.

**Article 445.- Harboursing and Aiding.**

Whoever knowingly saves from prosecution a person who has fallen under a provision of criminal law, whether by warning him or hiding him, by concealing or destroying the traces or instruments of his crime, by misleading the investigation, or in any other way,

is punishable with simple imprisonment or fine.

**Article 446.- Misleading Justice.**

Whoever:

- a) falsely notifies the authorities of a crime which has not been committed, or falsely accuses himself of a crime which he has not committed; or
  - b) knowingly gives the authorities inaccurate information in relation to criminal investigation or proceedings,
- is punishable with simple imprisonment not exceeding six months, or fine not exceeding one thousand Birr.

**Article 447.- False Denunciation or Accusation.**

Whoever:

- (a) denounces to the authorities as the perpetrator of a crime a person he knows to be innocent; or
- (b) has in any other way, especially by feigning a crime or making an anonymous or inaccurate denunciation, intrigued with the object of causing such proceedings to be taken against an innocent person,

is punishable with rigorous imprisonment not exceeding five years and fine. However, where the false denunciation or accusation has resulted in a more severe punishment he himself shall be sentenced to the punishment which he has caused to be wrongfully inflicted upon the innocent person.

#### **Article 448.- Refusal to Aid Justice.**

- (1) Any person who had been lawfully summoned to appear in judicial or quasi-judicial proceedings as an accused person, witness, expert, interpreter, assessor or juror; or ordered to produce or send an accused person or evidence:
  - (a) fails or refuses to appear without sufficient cause; or
  - (b) fails to produce or send the accused person or evidence; or
  - (c) having appeared, refuses, contrary to law, to answer questions or to obey orders,is punishable with simple imprisonment not exceeding two months, or fine not exceeding one thousand Birr.
- (2) Where the criminal pleads a false excuse for the crime committed under sub-article (1), he shall be punished with simple imprisonment not exceeding three months and fine.
- (3) Where such person has fraudulently obtained exemption from the obligation placed upon him, simple imprisonment may be increased up to the general maximum prescribed by law, subject to the application of more severe specific provisions under which the fraud may fall, especially those concerning the use of false certificate or forgery.
- (4) Where the crime is committed before a Court or a quasi-judicial organ, the punishment prescribed above may be imposed summarily.

#### **Article 449.- Contempt of Court.**

- (1) Whoever, in the course of a judicial inquiry, proceeding or hearing,
  - (a) in any manner insults, holds up to ridicule, threatens or disturbs the Court or a judge in the discharge of his duty; or
  - (b) in any other manner disturbs the activities of the Court,is punishable with simple imprisonment not exceeding one year, or fine not exceeding three thousand Birr.

The Court may deal with the crime summarily.

- (2) Where the crime is not committed in open Court but while the judge is carrying out his duties, the punishment shall be simple imprisonment not exceeding six months, or fine not exceeding one thousand Birr.
- (3) Where the crime is committed in open Court or during judicial proceedings with violence or coercion, the relevant provision shall apply concurrently (Art. 441).

#### **Article 450.- Breach of Secrecy of Proceedings.**

- (1) Whoever, without lawful authority or excuse, discloses facts, whether secret or declared secret by the Court hearing the case, which have come to his knowledge in the course of the proceedings at which he was present,

is punishable with simple imprisonment not exceeding six months, or fine not exceeding five hundred Birr.

- (2) Where the disclosure is committed in violation of official or professional secrecy, the relevant provisions shall apply (Art. 397 and 399).

#### **Article 451.- Publication of Inaccurate or Forbidden Reports of Proceedings.**

- (1) Whoever publishes information, a note, a precis or a report which is inaccurate or distorted concerning judicial cases which are adjourned, proceeding or pending,

is punishable with fine not exceeding five hundred Birr, or, in more serious cases, especially those likely to perturb public opinion or to cause injury to another, with simple imprisonment not exceeding six months.

- (2) Publication forbidden by law or by order of the Court is punishable under the relevant special provision (Art. 435).

Where the publication is unlawful, inaccurate and intentional, the Court shall increase the sentence in accordance with the provisions relating to concurrence (Art. 184).

### **CHAPTER II PERJURY AND COGNATE CRIMES**

#### **Article 452. - False Statements by a Party.**

- (1) Any party to proceedings before a judicial or quasi-judicial tribunal who being required to speak the truth, knowingly gives a false statement relating to facts material to the issue to be decided by the tribunal,

is punishable, even where the result sought is not achieved, with simple imprisonment not exceeding one year, or, where the false statement has been made in the course of criminal proceedings and is likely to cause injustice, with rigorous imprisonment not exceeding three years.

- (2) Where the party has been sworn or affirmed to speak the truth, the punishment shall be rigorous imprisonment not exceeding five years, particularly where the result sought has been in whole or in part achieved.

- (3) Mere inaccurate allegations by a party in defence of his interests are not subject to these provisions.

**Article 453. - False Testimony, Opinion or Translation.**

- (1) Whoever being a witness in judicial or quasi-judicial proceedings knowingly makes or gives a false statement or expert opinion, or hides the truth whether to the advantage or the prejudice of any party thereto,

is punishable, even where the result sought is not achieved, with simple imprisonment, or, in the more serious cases, with rigorous imprisonment not exceeding five years.

- (2) Where a witness has been sworn or affirmed to speak the truth, the punishment shall be rigorous imprisonment not exceeding ten years, particularly where the result sought has been in whole or in part achieved.

Where, however, in a criminal case, the accused person has been wrongly convicted or has incurred rigorous imprisonment of more than ten years in consequence of the witness's act, the witness may himself be sentenced to the punishment which he has caused to be wrongfully inflicted.

- (3) Any translator or interpreter who falsely translates or interprets anything in connection with such proceedings and the translation or the interpretation relates to facts material to the issue to be decided by the tribunal, shall be liable to the punishments under sub-article (1) or sub-article (2) above, according to the circumstances.
- (4) Where due to its discovery, the false testimony, opinion, translation or interpretation is incapable of influencing the decision of the tribunal, the punishment shall be simple imprisonment not exceeding two years.

**Article 454.- Correction or Withdrawal.**

Where the criminal has of his own free will corrected or withdrawn his false testimony, opinion, translation or interpretation before it has taken effect, and provided that the proceedings affected have not been finally concluded, the Court may without restriction mitigate the punishment incurred (Art. 183).

The Court may, according to the circumstances of the case, impose no other punishment than a reprimand accompanied by a warning for the future, where the crime is not serious, and where the correction or withdrawal is prompted by honesty.

**Article 455.- Provocation and Suborning.**

- (1) Whoever, by gifts, promises, threats, trickery or deceit, misuse of his personal influence or any other means, induces another to make a false accusation, to give false testimony or to make a



false report, application or translation before the concerned organ in judicial or quasi-judicial proceedings,

is punishable, even where the act solicited has not been performed, with simple imprisonment, unless he is punishable for incitement in accordance with the provisions of the General Part (Art. 35).

- (2) Whoever, by violence, intimidation or by promising or offering or giving undue advantage causes another to make false accusation or give false testimony or obstructs, through interference, the giving of testimony or the production of evidence in relation to a crime punishable with rigorous imprisonment for more than two years or obstructs law enforcement officials or public servants while exercising their official duties in relation to the same crime,

is punishable with rigorous imprisonment not exceeding seven years.

#### **Article 456. - Misrepresentation in Proceedings.**

Whoever, apart from the cases provided for above, in the course of judicial or quasi-judicial proceedings, and with intent to deceive the tribunal, to obstruct proof or to pervert the course of justice with the object of securing a material or moral advantage, or of influencing, favourably or adversely, the decision of the tribunal:

- a) conceals, purloins, destroys, damages or renders wholly or partly unusable an instrument of title belonging to another, a document in the case, or any exhibit or proof of guilt whatsoever; or
- b) hides, modifies, damages or alters the state of places things or persons,

is punishable, where the crime does not come under a more severe provision of this Code, with simple imprisonment, or in serious cases, with rigorous imprisonment not exceeding seven years.

#### **Article 457.- Tendentious Publications intended to pervert the Course of Justice.**

Whoever, in any manner whatsoever, publishes or spreads news, a note, a precis, a criticism, a report or a pamphlet which is inaccurate, or known to be tendentious, or which distorts the facts, and which has been draw up for the purpose of influencing a judicial decision in a case being or to be tried, whether by informing the accused person or his accomplices or by acting upon the feelings of the judge, jurors, witnesses, experts or officers of the Court generally,

is punishable with fine not exceeding one thousand Birr, or simple imprisonment not exceeding six months.

#### **Article 458.- Betrayal of Interests.**

- (1) Any advocate, attorney, procurator or legal advisor, who knowingly, in litigation of any kind before any judicial or quasi-judicial tribunal, betrays the legal interests he has been instructed to defend, officially or by personal brief, whether by sacrificing the interests of the party for whom he appears or by acting simultaneously for both parties to the same case,

is punishable with simple imprisonment and fine.

- (2) Where the accused person has acted in concert with the opposing party, simple imprisonment shall be for not less than one year; where he has acted for gain, or to procure material advantage, the fine shall not exceed one hundred thousand Birr.

Where the crime is to the prejudice of a person charged with a crime punishable with death or rigorous imprisonment for life, the punishment shall be rigorous imprisonment not exceeding ten years.

- (3) Where the crime specified under sub-article (1) is committed negligently, the punishment shall be simple imprisonment not exceeding three months, or fine not exceeding five thousand Birr.

### **CHAPTER III CRIMES AGAINST EXECUTION OF SENTENCE**

#### **Article 459.- Non-observance of Secondary Penalties and Preventive Measures.**

Whoever, having been sentenced to one of the secondary penalties or forfeitures provided for in Article 123, or to one of the preventive measures provided for in Articles 141 to 154, knowingly breaks the prohibition or obligation imposed upon him by law,

is punishable, where no other provision prescribes a more severe punishment (Art. 465), with a fine not exceeding one hundred Birr, or, in more serious cases, with simple imprisonment not exceeding one month.

#### **Article 460. - Obstruction of Execution of Sentence.**

Whoever, in any manner, saves a person from the execution of the punishments or measures to which he has been sentenced by a Court,

is punishable with simple imprisonment or fine.

#### **Article 461.- Escape of Prisoner.**

- (1) Whoever, being lawfully detained or imprisoned, escapes from a place where he is under custody,

is punishable with simple imprisonment not exceeding six months.

- (2) Where the crime is committed by doing threats or violence towards persons, or by damaging property, the punishment shall be simple imprisonment not exceeding three years.
- (3) Where the criminal has been or is to be convicted for the first crime, the relevant provisions on concurrence of crimes or recidivism shall apply.

**Article 462. - Procuring of, and aiding to, Escape.**

- (1) Whoever, not being a public servant (Art. 402), procures or facilitates, by violence, coercion, intimidation, trickery, misuse of his personal influence or any other means, the escape of a person under lawful arrest or imprisonment,

is punishable with simple imprisonment.

- (2) The punishment shall be simple imprisonment for not less than three months, and in more serious cases, rigorous imprisonment not exceeding seven years:
  - a) where the escape has been accomplished, attempted or promoted by a number of persons acting together, or with the aid of instruments or weapons; or
  - b) where the assistance is rendered to a person, whether a civilian or a member of the Defence Forces, sentenced to rigorous imprisonment for twenty years at least.
- (3) Where the criminals have had recourse to riot, or has done violence to persons or property, corrupted public employees or prison officers or committed any other concurrent crimes to achieve their ends, the provisions relating to increase of sentence in cases of concurrence (Art. 62 and 63) shall apply.

**Article 463.- Escape of Prisoners of War and Military Internees and Aiding them to Escape.**

Without prejudice to Article 426, the provisions of Articles 461 and 462 shall apply also, in identical circumstances, to prisoners of war and military internees detained in camps or institutions set aside for them, even where they are not there confined in consequence of judicial sentence or decision.

**Article 464.- Mutiny of Prisoners.**

- (1) Whoever, being lawfully confined in any place, takes part jointly in riots or disturbances with intent:
  - a) to coerce, by force or intimidation, the governor, an official or a warder of the institution, or any other person

- responsible for its administration or for supervision, to perform or to refrain from performing, any act contrary to their duty; or
- b) to attack any of the above persons while in the discharge of their duties; or
  - c) to escape by means of violence to persons or property,

is punishable with simple imprisonment from three months to five years, in addition to the sentence being served or to be pronounced.

- (2) The person who has organized or directed the mutiny is punishable:
  - a) with rigorous imprisonment not exceeding five years where no act of coercion or violence has been committed; or
  - b) where acts of coercion or violence have been committed, with rigorous imprisonment not exceeding ten years, subject to the application of more severe specific provisions where appropriate.
- (3) Where acts of violence or injuries have been done to persons or property, the general provisions relating to increase of sentence in the case of a combination of, or of concurrent, crimes (Arts. 62 and 63) shall be applicable.

#### **Article 465. - Breaking of Bounds.**

Whoever, having been sentenced to obligatory residence in a certain place, or having been prohibited from residing or sojourning in a certain place, or expulsion, breaks the prohibition imposed upon him,

is punishable, except where there is force majeure, with simple imprisonment not exceeding one year, without prejudice to an increase, where appropriate, of the measures of restriction of liberty he has infringed.

The term of the sentence is not deducted from that of the measure of restriction of liberty.

### **TITLE V**

#### **CRIMES AGAINST PUBLIC ELECTIONS AND VOTING**

#### **Article 466. - Disturbance and Prevention of Electoral Meetings and Proceedings.**

- (1) Whoever in any way improperly prevents, disturbs, obstructs or interrupts authorized civic or electoral meetings, or polling or elections duly held under the supervision of competent authorities, is punishable with simple imprisonment not exceeding one year, and fine not exceeding one thousand Birr.

- (2) Where violence is used against persons or property, or where brawls or riotous disturbances are fomented, the relevant provisions apply concurrently.

**Article 467.- Interference with the Exercise of the Right of Voting or Election.**

- (1) Whoever by intimidation, coercion, abuse of power or violence, by fraud, especially by changing names, by concealing or withholding a notice or summons, or by any other trick or method:
- a) prevents a person from exercising his legitimate right to vote or to be elected; or
  - b) secures by such means his undertaking to exercise, or induces him to exercise, his right in a particular way, or to abstain from exercising it, is punishable with simple imprisonment not exceeding one year, or fine.
- (2) Whoever does a wrong or an injury to another who has exercised his right in a particular way, or has abstained from exercising it, in pursuance of his admitted right to use it as he wishes, is liable to the same punishments.

**Article 468. - Corrupt Electoral Practices.**

- (1) Whoever, directly or indirectly, promises or grants a sum of money, or any other advantage whatsoever to an individual, in order to persuade him to exercise his right to vote or to be elected in a particular way or to abstain from exercising it,
- is punishable with rigorous imprisonment not exceeding five years, and fine.
- (2) Whoever possessing the right to vote or to be elected, accepts or agrees to accept a sum of money or any other advantage, in consideration of exercising his right, or exercising it in a particular way, or of abstaining from exercising it, is liable to the same punishments.

**Article 469.- Unfair Practices.**

- (1) Any candidate who, contrary to law or directives, directly or indirectly, collects or receives money from an individual, group or organization, for expenses in connection with his election, or fails to observe the accounting rules of electoral expenses, or intentionally declares a lesser amount than his actual electoral expenses,

is punishable with simple imprisonment not exceeding one year, or fine.

- (2) Whoever, without obtaining the consent of the candidate, raises or grants money, or contributes in any way to cover the election expenses of a candidate, is liable to the same punishments.
- (3) Whoever, directly or through an intermediary, fraudulently secures, abuses or misappropriates votes:
- a) with the help of false news or rumours circulated by word of mouth or by correspondence, by pamphlets or placards, or by the press, the radio or any other medium of publicity; or
  - b) with the help of any other fraudulent, irregular or dishonest practices,
- is punishable with simple imprisonment not exceeding one year, or fine not exceeding five thousand **Birr**.

#### **Article 470. - Fraudulent Registration.**

- (1) Whoever:
- a) causes himself to be entered on an electoral list or register under a false name or title or in a false capacity, or without disclosing an incapacity recognized by law; or
  - b) causes himself to be entered on two or more lists at one and the same time, or improperly accepts or causes to be issued more than one election or voting card; or
  - c) improperly causes third persons, whether living, missing, deceased or fictitious, to be registered, or receives cards in their name,

is punishable with simple imprisonment not exceeding one year, or fine not exceeding one thousand **Birr**.

- (2) Where the crime specified under sub-article (1) is committed by a candidate, the punishment shall be rigorous imprisonment not exceeding two years, or fine not exceeding ten thousand **Birr**.

#### **Article 471. - Fraudulent Elections.**

Whoever, during official elections of any kind, falsifies the true result thereof by acts done before, during or after the proceedings, especially:

- a) by counterfeiting, falsifying, altering or defacing, or by retaining, destroying or making away with electoral registers, completed electoral lists or deposited ballot papers; or
- b) by voting more than once in the same election; or
- c) by adding ballot papers to the ballot boxes, or removing them therefrom, or by causing or permitting to vote improperly, in any manner whatsoever, persons domiciled outside the constituency, unqualified, disqualified, deceased or non-existent persons, or by depositing or knowingly permitting

- to be deposited in the ballot boxes invalid, falsified or counterfeit ballot papers; or
- d) by incorrectly counting or deliberately omitting votes, ballot papers, names or signatures, by reading out names or signatures other than those written down or by recording in the summary of proceedings or the official return a result other than the true one; or
  - e) by withholding, concealing, altering or destroying electoral returns or documents, or by improperly handing them over to persons not qualified to receive them,

is punishable with simple imprisonment or fine.

**Article 472.- Concurrence of Crimes.**

Where the fraud or falsification is carried out by means of intangible or material forgery (Arts. 375 and 376) the relevant provision applies concurrently.

**Article 473. - Breach of Secrecy of the Ballot.**

Whoever:

- a) by any unlawful means succeeds in discovering the way in which an elector has exercised his right or cast his vote; or
- b) having fortuitously learned of such a fact, intentionally makes it public and spreads it, whether by word of mouth, by way of the press or otherwise,

is punishable with simple imprisonment or fine.

**Article 474. - Removal or Destruction of Ballot Papers or Boxes.**

- (1) Whoever removes, makes away with or destroys ballot boxes containing votes or marked ballot papers not yet counted or the votes or ballot papers contained therein, in whole or in part, is punishable with simple imprisonment or fine.
- (2) Where the crime is committed by more than one person or is accompanied by violence, the punishment is rigorous imprisonment not exceeding ten years, without prejudice to increase of sentence with respect to chiefs or ringleaders (Art. 84 (d)).
- (3) Acts of violence or coercion against a polling station or electoral or polling officers are punishable in accordance with the provisions of Articles 440 to 442.

**Article 475.- Additional Penalties.**

Where an electoral crime is punished by imprisonment, the Court shall at all times order temporary deprivation of civic rights for a definite period (Art. 123(a)).

**Article 476. - Aggravating Circumstances.**

Where the person charged with a crime under this Title is a public servant or an official member or **scrutinizer** of an electoral or polling station, simple imprisonment shall be from one month up to one and a half times the punishment generally prescribed, where the act does not come under a specific provision such as that relating to abuse of powers (Art. 407) or that relating to breach of official secrecy (Art 397).

In more serious cases, or where the crime is repeated, the Court may add fine to the punishment of imprisonment.

**TITLE VI**

**CRIMES AGAINST PUBLIC SECURITY, **PEACE** AND TRANQUILLITY**

**CHAPTER I**

**CRIMES AGAINST PUBLIC **SECURITY****

**SECTION I.- CRIMES CALCULATED OR **LIKELY** TO PROVOKE THE COMMISSION OF OTHER **CRIMES****

**Article 477.- Dangerous Vagrancy.**

- (1) Whoever, having no fixed abode or occupation and no regular or visible means of support, and being able-bodied, habitually and of set purpose leads a life of vagrancy or disorderly behavior, or lives by his wits thereby constituting a threat to public **security**,

is punishable with compulsory labour **with restriction** of personal liberty (Art. 104), or **with** simple imprisonment not exceeding six months.

- (2) Where the criminal is found in possession of **weapons** or instruments fitted by their nature to the commission of a crime, the punishment shall be simple imprisonment, without prejudice to the application of the provisions concerning concurrence where the criminal has used threats or coercion, or has committed violence or assault against individuals.

- (3) The preventive measures of restriction of liberty (Arts. 144 to 149) may be ordered, to accompany the penal sentence, wherever the circumstances indicate that they are appropriate.

**Article 478. - Conspiracy.**

- (1) Whoever conspires with one or more persons for the purpose of preparing or committing serious crimes against public security



or his health, the person or property, or persuades another to join such conspiracy,

is punishable, provided that the crime materialises, with simple imprisonment for not less than six months, and fine.

For the purpose of this Article, "serious crimes" are crimes which are punishable with rigorous imprisonment for five years or more

- (2) Where the conspirators are numerous, or where they are armed or possess instruments or means fitted by their nature for the commission of a crime, the punishment shall be simple imprisonment for not less than one year, and fine.
- (3) Where the dangerous nature of the conspiracy has been demonstrated by the commission of a serious crime, whether against life or person, public safety or property, by the commission of a series of crimes, whether or not of the same kind, or by acts, such as traffic in arms, narcotic substances or persons, the Court shall pronounce the maximum sentence provided by law, taking into consideration the provisions relating to concurrence (Art. 62 and 63).

#### **Article 479. - Harbours and Assisting of Evil-doers.**

- (1) Whoever, apart from the cases of accomplices punishable under the provisions thereto (Art. 37):

- a) knowingly, and not being under duress, harbours, comforts, assists or shelters evil-doers who are members of bands or associations formed to commit crimes against the community, individuals or property, or provides a meeting place for such evil-doers,

is punishable with simple imprisonment for not less than six months, and fine.

- b) knowing the existence, plans, whereabouts or meeting places of such gangs or associations, and not being compelled to do so by intimidation or otherwise, omits to notify the competent authorities thereof,

is punishable with simple imprisonment and fine.

- (2) Simple imprisonment shall be for not less than one year where the band is dangerous, or where the harbouring and comforting are habitual.
- (3) Whoever, apart from the cases punishable for complicity under the provisions of this Code (Art.37), by any means, directly or indirectly collects money or any other property, or provides or offers such property to a criminal, knowing that the property is to be used in full or in part:

- (a) for the commission of the crime indicated under Article 262(1) or (2), Article 481 (2) or (3), Article 499 (2), or Article 585 (3), or
  - (b) for committing any other act intended to cause death or serious bodily injury to a civilian or any other person not taking an active part in the hostilities or to cause serious damage to property in a situation of armed conflict, where the purpose of such act is to intimidate a population or to compel a government or an international organization to do or abstain from doing an act;
- is punishable, whether the property is actually put in use or not, with rigorous imprisonment from five years to ten years.
- (4) Whoever, apart from the cases punishable for complicity under the provisions of this Code (Art. 37) makes any contribution for the commission of a crime indicated under the provisions of Article 262 (1) or (2), Article 481 (2) or (3), Article 499(2), or Article 585(3) or sub-article (3) of this Article by a group, or for implementing the illegal aim of a group, or recruits other persons for the commission of the same crime mentioned above, or provides any other support including weapons, fraudulent travel documents or identity cards knowing that such support is to be used for the commission of one of these crimes,

is punishable with the penalty indicated under sub-article ; of this Article.

**Article 480- Public Provocation to or Defence of a Crime.**

Whoever publicly, by word of mouth, writing, image, gesture or otherwise:

- a) provokes others to commit acts of violence or grave crimes against the community, individuals or property; or
- b) defends or praises such crime or its perpetrator; or
- c) launches an appeal or starts a collection for the payment of pecuniary punishments pronounced by due process of law, with the intention of making common cause with the convicted person or of upholding his deed, or who knowingly takes part in such activities,

is punishable with simple imprisonment or fine .

**Article 481.- Prohibited Traffic in Arms.**

- (1) Whoever, apart from crimes against the security of the State (Art. 256):
- a) makes, imports, exports or transports, acquires, receives, stores or ides, offers for sale, puts into circulation or distributes, without special authorization or contrary to law, weapons, explosives or munitions of any kind, with the intent of trafficking; or

- b) without indulging in trafficking, knowingly sells, delivers or hands over arms to suspect or dangerous persons,

is punishable with fine and rigorous imprisonment not exceeding five years, or, in serious cases, with rigorous imprisonment not exceeding ten years, without prejudice to confiscation of the specified materials.

- (2) In cases where the crime committed involves: possessing, receiving, using, altering, transferring, distributing, disposing of, stealing or fraudulently obtaining a nuclear material which endangers or which is likely to endanger the life, body or property of persons or natural resources or the environment or committing an act, through violence or threat, that constitutes demand for the material; or carrying out a threat to commit one of these acts;

the punishment shall be rigorous imprisonment from five years to ten years.

- (3) In cases where the crime is committed by manufacturing or assembling firearms, their parts and components or ammunition from parts and components illicitly trafficked without securing a license or authorization from the competent authority of the state where the manufacture or assembly takes place or without making the firearms in accordance with the law;

the punishment shall be rigorous imprisonment from five years to twelve years.

- (4) Where the crime is committed for gain or where the criminal has made a profession of such acts, he shall be punished with rigorous imprisonment from five years to fifteen years.
- (5) Nothing shall affect the application of laws issued concerning the making, carrying or use of weapons entailing penalties under petty offences (Art. 808 and 809).

## **Section II.- Crimes Calculated or Likely to Provoke Public Disturbances.**

### **Article 482.- Forbidden Societies and Meetings.**

- (1) Whoever:

- a) knowingly takes part in a society, band, meeting or assembly forbidden, either generally or from time to time by law, by government or by the competent authority; or
- b) knowingly places houses, premises or land at the disposal of such a society, band, meetings or assemblies, whether for consideration or free of charge,

is punishable with a fine not exceeding one thousand Birr.

- (2) Ringleaders, organizers or commanders of the crime are punishable with simple imprisonment not exceeding one year.

**Article 483. - Secret Societies and Armed Bands.**

Any person who is involved in the commission of the crime defined under Article 479 by unlawful societies whose activities and meetings are secret, or by unlawful armed societies or bands established especially for military training or shooting, or ostensibly sporting in character,

is punishable with simple imprisonment and fine.

The punishment to be imposed on the ringleaders, organizers or active members of such societies or bands shall be simple imprisonment for not less than six months, and fine not less than one thousand Birr.

**Article 484. - Forbidden Assemblies.**

- (1) Whoever, of his own free will, takes part, on the public highways or in a public place, in assemblies forbidden by law,

is punishable with fine not exceeding two thousand Birr.

- (2) Ringleaders, organizers or commanders of such crime are punishable with simple imprisonment not exceeding two years.

- (3) Anyone who, knowingly takes part in an armed assembly, is punishable with simple imprisonment from three months to five years.

- (4) Where the crime is committed as specified in sub-article (3) above, a ringleader, an organizer, a commander or a person who has carried weapons;  
is punishable with simple imprisonment from one year to five years.

- (5) Where a juridical person organizes or commands an assembly forbidden by law, the punishment shall be a fine not exceeding ten thousand Birr.

**Article 485.- Alarming the Public.**

- (1) Whoever spreads alarm among the public:

a) by threat of danger to the community, or to the life, health or property of individuals, especially that of invasion, assassination, fire, devastation or pillage; or

b) by deliberately spreading false rumours concerning such happenings or general disturbances, or imminent catastrophe or calamity;

is punishable with simple imprisonment not exceeding three years, or fine.

- (2) In more serious cases, likely to cause, or having caused, serious disturbances or disorder, the punishment shall be rigorous imprisonment not exceeding three years, subject to the application, as appropriate, of more severe specific provisions.

**Article 486.- Inciting the Public through False Rumours.**

Whoever, apart from crimes against the security of the State (Arts. 240, 257 (e) and 261 (a)):

- a) starts or spreads false rumours, suspicions or false charges against the Government or the public authorities or their activities, thereby disturbing or inflaming public opinion, or creating a danger of public disturbances; or
  - b) by whatever accusation or any other means foments dissension, arouses hatred, or stirs up acts of violence or political, racial or religious disturbances,
- is punishable with simple imprisonment or fine, or, in serious cases, with rigorous imprisonment not exceeding three years.

**Article 487.- Seditious Demonstrations.**

Whoever:

- a) makes, utters, distributes or cries out seditious or threatening remarks or displays images or drawings of a seditious or threatening nature in any public place or meeting; or
  - b) publicly incites or provokes others to disobey orders issued by a lawful authority or to disobey laws or regulations duly promulgated,
- is punishable with simple imprisonment not exceeding six months, or fine not exceeding five hundred Birr.

**Article 488.- Rioting.**

- (1) Whoever, of his own free will, takes part in an unlawful assembly in the course of which violence is done collectively to person or property,

is punishable with simple imprisonment not exceeding one month, or fine.

- (2) The organizers, instigators or ringleaders are punishable with fine and with simple imprisonment for not less than six months, or, in grave cases, with rigorous imprisonment not exceeding five years and fine.

- (3) All persons who have individually committed acts of violence against persons or property are punishable with rigorous imprisonment not exceeding three years, where their act does not constitute a crime subject to more severe punishment under any other provision of this Code.

**Article 489.- Leniency; Submission.**

Those who have taken part in a forbidden meeting, demonstration, unlawful assembly or collective intimidation, and who subsequently withdrew, either of their own accord or when called upon to do so by the authorities, without having themselves done violence or incited others to do so, may be exempted from punishment, after a reprimand or solemn warning for the future, as appropriate (Art. 122).

**CHAPTER II  
CRIMES AGAINST PUBLIC PEACE AND TRANQUILITY**

**Article 490. - Disturbances of Meetings or Assemblies.**

- (1) Whoever, by word of mouth, by threats, violence or force, or in any other way, unlawfully invades or disturbs, hinders or disperses a meeting or any assembly duly authorized by law,

is punishable with simple imprisonment not exceeding six months, or fine not exceeding one thousand Birr,

- (2) Where the crime relates to a meeting or an assembly of a public authority, to an official board or commission, or to the conduct of elections, public auctions or any other lawful public activity, whether political, administrative, executive or judicial,

simple imprisonment shall be for not less than three months, and fine shall be for not less than five hundred Birr.

**Article 491.- Disturbances Resulting from Acts Committed in a State of Culpable Irresponsibility.**

Whoever, being deliberately or through criminal negligence in a state of complete irresponsibility due to drunkenness, intoxication or any other cause, commits, while in such a state, an act normally punishable with imprisonment for at least one year,

is punishable with fine or with simple imprisonment not exceeding one year, according to the degree of danger or gravity of the act committed.

**Article 492.- Outrage on Religious Peace and Feeling.**

Whoever publicly:

- a) prevents the solemnization of, or disturbs or scoffs at, an authorized religious ceremony or office; or
- b) profanes a place, image or object used for religious ceremonies,

is punishable with fine not exceeding one thousand Birr, or with simple imprisonment not exceeding two years.

**Article 493.- Outrage on the Repose and Dignity of the Dead.**

Whoever:

- a) disturbs or profanes a funeral procession or funeral service; or
- b) violates or profanes the resting place of a dead person, degrades or defiles a funeral monument, or profanes or mutilates a dead person, whether buried or not; or
- c) publicly defiles or strikes a human corpse; or
- d) carries off, makes away with or scatters a corpse or any part thereof, or the remains of a dead person,

is punishable with simple imprisonment or fine.

**TITLE VII  
CRIMES AGAINST PUBLIC SAFETY AND THE SECURITY OF  
COMMUNICATIONS**

**CHAPTER I  
CRIMES AGAINST PUBLIC SAFETY**

**Article 494. - Arson.**

- (1) Whoever maliciously or with the intention of causing danger of collective injury to persons or property, sets fire to his own property or to that of another whether it be building or structures of any kind, crops or agricultural products, forests, timber or any other object,

is punishable with rigorous imprisonment not exceeding ten years.

- (2) Where the crime creates substantial danger, or where the risk of injury to persons or property is widespread, especially where public buildings or buildings used by a public service, inhabited houses or houses used for living in, contractors yards or stock yards, stores of provisions or inflammable or explosive substances, forests, mines, oil wells o7 refineries, ships, aircraft or any other objects particularly susceptible to fire, are affected,

the punishment shall be rigorous imprisonment not exceeding fifteen years.

**Article 495. - Provocation of Natural Disaster.**

Whoever maliciously causes a flood or submergence, a landslide, a fall of rock or earth, a collapse or any other like catastrophe, thereby deliberately creating a danger to person or property,

is punishable under Article 494.

**Article 496. Damage to Installations or Protective Works.**

Whoever maliciously damages or destroys electrical or hydraulic installations, or works providing protection against natural forces, especially culverts, dams, reservoirs, dykes, sluices gates or jetties, thereby deliberately creating a danger to person or property,

is punishable under Article 494.

**Article 497. - Explosions.**

Whoever maliciously causes gas, oil, petrol, gunpowder, dynamite or any other similar dangerous substance to explode, thereby creating a danger to person or property,

is punishable under Article 494.

**Article 498.- Crimes Resulting from Negligence.**

Where the criminal has committed any of the crimes specified in Articles 494 to 497 negligently, the punishment shall be simple imprisonment or fine, according to the gravity of the crime.

The Court shall pass sentence of simple imprisonment where the criminal has gravely endangered persons or property.

**Article 499.- Danger caused by the use of Explosive, Inflammable or Poisonous Substances,**

- (1) Whoever, with intent to endanger public safety, knowingly exposes to danger the life, health, person or property of another, by means of explosives, of substances which are spontaneously combustible or highly inflammable or of poisonous gases,

is punishable with rigorous imprisonment not exceeding ten years.

Where the criminal has exposed property only to minor damage, the punishment shall be simple imprisonment for not less than six months.

- (2) The punishment shall be rigorous imprisonment from five years to fifteen years in cases where the crime has been committed by placing, discharging or detonating an explosive or an incendiary weapon, which is designed to cause or is capable of causing death or serious bodily injury or substantial damage to property through the release or dissemination of biological agents or toxin against a place of public use, a State or government facility, a public transportation system or infrastructure facility with the intent to cause death or serious bodily injury or extensive destruction of such place or system where such destruction can result or is likely to result in major economic loss.



- (3) Whoever, knowingly but without intent to endanger public safety, endangers in like manner the life, person, health or property of another, is punishable with simple imprisonment.
- (4) Whoever, in the manner specified under sub-article (1), negligently endangers the life, person, health or property of another, is punishable with simple imprisonment.
- (5) In less serious cases under sub-article (2) or (3), the Court may substitute for simple imprisonment punishment of compulsory labour, or Impose a fine.

**Article 500. - Illicit Making, Acquisition, Concealment or Transport of Explosive, Inflammable or Poisonous Substances.**

- (1) Whoever makes explosives, incendiary or poisonous substances, knowing that they are intended for unlawful use,  
  
is punishable with simple imprisonment for not less than six months, or, in serious cases, with rigorous imprisonment not exceeding ten years.
- (2) Whoever, knowing that another wishes to make unlawful use of such substances mentioned in sub-article (1), furnishes him with means or instructions for making them,  
  
is punishable with simple imprisonment for not less than six months, or, in serious cases, with rigorous imprisonment not exceeding seven years.
- (3) Whoever, knowing that they are intended for unlawful use, imports, acquires or procures explosive, incendiary or poisonous substances or the materials used in their manufacture, hands them over to or receives them from another, or stores, conceals or transports them whether for consideration or free of charge,  
  
is punishable with simple imprisonment for not less than six months, or, in serious cases, with rigorous imprisonment not exceeding five years.

**Article 501.- Culpable Infringement of Building Rules.**

- (1) Whoever, in supervising or carrying out the erection of a building or a demolition of any kind, infringes the rules laid down by law or disregards normal safety measures based on building practice and thereby endangers public safety or the life, health or person of others, or the safety of the property of another,  
  
is punishable with simple imprisonment for not less than three months, and fine.

- (2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding one year, or fine.

**Article 502.- Removal or Culpable Omission of Protective Apparatus or Devices.**

- (1) Whoever intentionally:-

- (a) destroys, removes, damages, renders unserviceable or puts out of commission a device intended to prevent accidents in any undertaking, factory, mine or any other working ;or
- b) omits to install any safety measures required by law or by the order of a competent authority and thereby endangers the safety of another,

is punishable with simple imprisonment and fine.

- (2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding one year,- or fine not exceeding five thousand Birr.

**Article 503. - Failure to Give Warning of Grave Public Danger.**

Whoever, where it is possible for him to do so without risk to himself or others, fails to warn the competent authority or responsible departments, or fails to take the measures necessary to prevent or to put out a fire, an explosion, a flood or any other accident likely to endanger life, health or property,

is punishable with simple imprisonment not exceeding one year, or fine.

**Article 504.- Reserved Cases.**

Nothing in this Chapter shall affect the provisions regarding destruction or sabotage of installations serving the national defence or sabotage of military installations (Arts. 247(a), 308, 309 and 327(a)).

**CHAPTER II**

**CRIMES AGAINST THE FREEDOM AND SECURITY OF COMMUNICATIONS**

**Article 505.- Damage to Services and Installations of Public Interest.**

- (1) Whoever intentionally prevents, disturbs or interferes with the efficient working:
- a) of a public service, or of a service operated in the public interest, of land or inland waterway, sea or air transport or

communications, including auxiliary repair, overhaul, maintenance or construction services; or

b) of installations, establishments or services intended either for postal, telegraph and telephone communications or telecommunications in general, light, gas, power or heat, is punishable with simple imprisonment or fine, or, in serious cases, with rigorous imprisonment not exceeding five years.

(2) Where the crime is committed by a person having a legal or contractual obligation, and particularly where work or obligations have been suspended otherwise than as the result of force majeure or as provided by law or by agreement, the punishment shall be simple imprisonment for not less than three months and fine, or, in grave cases, with rigorous imprisonment not exceeding seven years.

(3) Where the crime is committed negligently, the punishment shall be fine not exceeding one thousand Birr, or, in more serious cases, simple imprisonment not exceeding six months.

**Article 506.- Grave Endangering or Sabotage of Communications or Transport.**

(1) Whoever intentionally paralyzes, sabotages or endangers public transport, whether by road or rail, by water or in the air, at risk of causing a collision, a derailment, a shipwreck or any other accident likely to endanger the person or property, especially:

(a) by damaging, displacing, destroying or rendering unserviceable bridges, dykes or jetties, installations, or control, protection, signaling or transport equipment, instruments or devices; or

b) by erecting or setting up obstacles, or by engaging in dangerous works or activities on roads, railways, channels or any other established lines of communication; or

c) by giving false instructions, signs or signals; or

d) by failing his duty or failing to carry out the operating regulations,

is punishable with rigorous imprisonment not exceeding five years.

(2) Where the crime specified under sub-article (1) is committed negligently, the punishment shall be simple imprisonment or fine.

(3) Rigorous imprisonment shall not exceed ten years where, by his act, the criminal has knowingly:

a) committed breach of a contractual or professional obligation incumbent upon him; or

- b) endangered the life, person or health of others or created a risk of substantial material damage.
- (4) In case of negligent discharge of a specific professional or contractual duty, the punishment shall be simple imprisonment for not less than one month.
- (5) Where the crime is committed by destroying or damaging air or navigation facilities or equipment or interferes with their operation, the result of which is likely to endanger the safety of the aircraft in flight or the ship in navigation, the criminal is punishable with rigorous imprisonment from fifteen years to twenty-five years.
- (6) Where the crime under sub-article (5) is committed negligently, the punishment shall be from five years to fifteen years of rigorous imprisonment.

**Article 507. - Unlawful Seizure or Control of an Aircraft.**

- (1) Whoever, by violence or threats thereof or by any other form of intimidation, by deceit or by any other unlawful means intentionally seizes or exercises control of a fixed platform on a continental shelf or an aircraft in flight or landing in an airport or a ship on navigation or harbouring on a port,

is punishable with rigorous imprisonment from fifteen to twenty-five years.

- (2) For the purpose of this and the following four Articles:

- a) "an aircraft in service" refers to the period starting from the time of the preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; but it shall not, in any event, be less than the entire period during which the aircraft is in flight as defined in sub-article (1) of this Article.
- b) "an aircraft in flight" refers to the period from the moment when all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation; and includes, in case of forced landing, the time until the aircraft as well as the persons and property on board are released.

**Article 508.- Endangering Fixed Platform on a Continental Shelf or an Aircraft or a Ship.**

- (1) Whoever intentionally and unlawfully performs an act of violence against a person in a fixed platform on a continental shelf or an aircraft in flight or landing in an airport or a ship on navigation or harbouring on a port, which act is likely to endanger the safety of the platform, the aircraft or the ship,

is punishable with rigorous imprisonment from fifteen years to twenty-five years.

- (2) Whoever negligently performs an act of violence against a person in a fixed platform on a continental shelf or in an aircraft in flight or landing in an airport or a ship on navigation or harbouring on a port; which act is likely to endanger the safety of the platform, the aircraft or the ship,

is punishable with rigorous imprisonment from five years to fifteen years.

**Article 509. - Damage to Fixed Platform, an Aircraft or a Ship.**

- (1) Whoever intentionally and unlawfully destroys or damages a fixed platform on a continental shelf, an aircraft or ship in service or an aircraft in flight or landing in an airport, a ship on navigation or harbouring on a port, or causes damage to one of these objects, which is capable of endangering the safety of flight or navigation,

is punishable with rigorous imprisonment from fifteen years to twenty-five years.

- (2) Whoever negligently destroys or damages a fixed platform on a continental shelf, an aircraft or ship in service or an aircraft in flight or landing in an airport, a ship on navigation or harbouring on a port, or causes damage to one of these objects, which is capable of endangering the safety of flight or navigation,

is punishable with rigorous imprisonment from five years to fifteen years.

**Article 510. - Misuse of Signals and Alarms.**

- (1) Whoever maliciously or without good cause, and with the intention of stopping or disturbing communications, gives an alarm signal or sends out a call for help, either customary or agreed upon by international agreement, sets off a warning or safety device, or makes improper use of the telecommunication danger call.

is punishable with simple imprisonment and fine.

- (2) Where the crime is committed by communicating information known to be false thereby endangering the safety of an aircraft in flight or the safe navigation of a ship, the punishment shall be from fifteen years to twenty-five years of rigorous imprisonment.
- (3) Where the act under sub-article (2) is committed negligently, the punishment shall be rigorous imprisonment from five years to fifteen years.

**Article 511.- Unlawful Consignment of Dangerous Goods.**

- (1) Whoever, with intent to cause danger, puts or causes to be put, consigns or causes to be consigned, substances which are inflammable, explosive or directly poisonous, corrosive or harmful on contact or by reason of their emanations, or goes on board with such substances, on a public transport on land, sea or air,

is punishable with rigorous imprisonment from five years to fifteen years.

- (2) Whoever intentionally places or causes to be placed on a fixed platform on the continental shelf or on an aircraft or a ship, by any means whatsoever, a device or a substance which is likely to:

- a) endanger the safety of the fixed platform;
- b) destroy the aircraft in service or render it incapable of flight or endanger its safety in flight; or
- c) destroy the ship or cause damage to it or its cargo or endanger its safety in navigation;

is punishable with rigorous imprisonment from five years to fifteen years.

- (3) Whoever, contrary to the regulations and directions issued to ensure the safety of traffic, but without intent to endanger or injure, commits any one of the acts specified under sub-article (1),

is punishable with rigorous imprisonment not exceeding seven years.

- (4) Any person who has been entrusted with the prevention and control of crimes against public transport on land, sea or air,

is punishable with rigorous imprisonment not exceeding five years, where substances which are capable of endangering such transportation or their establishments are found loaded or consigned as a result of his failure to discharge his duty.

- (5) Where the act under sub-article (2) is committed negligently, the punishment shall be rigorous imprisonment from five years to fifteen years.

#### **Article 512.-Grave Cases.**

- (1) Where the intentional commission of any of the crimes specified under Articles 505 to 511 has caused loss of life, injury to body or impairment of health,

the punishment shall be rigorous imprisonment from ten years to twenty-five years, or, in more serious cases, with rigorous imprisonment for life or death.

- (2) Where the crime is committed negligently, the punishment shall be rigorous imprisonment from five years to fifteen years.

**Article 513.- Participation of a Juridical Person in a Crime.**

Any juridical person which participates in the commission of one of the crimes in this Chapter as provided in Article 34 shall be punishable in accordance with Article 90 of this Code.

**TITLE VIII  
CRIMES AGAINST PUBLIC HEALTH**

**CHAPTER I  
INFRINGEMENT OF THE GENERAL PROTECTIVE PROVISIONS**

**Section I.- Crimes Committed by Spreading Diseases and  
Polluting the Environment**

**Article 514. - Spreading of Human Diseases.**

- (1) Whoever intentionally spreads or transmits a communicable human disease,

is punishable with rigorous imprisonment not exceeding ten years.

- (2) Where the criminal:

- a) has spread or transmitted a disease which can cause grave injury or death, out of hatred or envy, with malice or with a base motive; or
  - b) without even the particular intent specified in sub-article (a) of this Article has spread or transmitted a disease which can cause grave injury or death; or
  - c) has transmitted an epidemic,
- the punishment shall be rigorous imprisonment not exceeding twenty years, or in grave cases, with rigorous imprisonment for life or death.

- (3) Where the crime is committed negligently, the punishment shall be simple imprisonment or fine.

**Article 515. - Spreading of Animal Diseases.**

- (1) Whoever intentionally spreads an animal disease among domestic animals or poultry, bees, game, fish or wild animals the species of which are protected by law,

is punishable with simple imprisonment or fine.

- (2) Where the criminal:

a) has acted maliciously; or  
b) has intentionally caused substantial damage,  
the punishment shall be simple imprisonment for not less than three months.

(3) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding six months or fine.

**Article 516.- Propagation of an Agricultural or Forest Parasite.**

Whoever, intentionally or by negligence, propagates a parasite or germ harmful to agricultural or forest crops,

is punishable under Article 515 above.

**Article 517.- Contamination of Water.**

(1) Whoever intentionally contaminates by means of substances harmful to health drinking water serving the needs of man or animals,

is punishable, according to the circumstances and the extent of the damage, with fine or simple imprisonment for not less than one month, or, in more serious cases, with rigorous imprisonment not exceeding seven years.

(2) In cases of intentional poisoning of wells or cisterns, springs, water holes, rivers or lakes,

the punishment shall be rigorous imprisonment not exceeding fifteen years.

(3) Where the crime under sub-article (1) or (2) above is committed negligently, it is punishable with simple imprisonment, or, if less serious, with fine.

**Article 518. - Contamination of Pastureland.**

(1) Whoever intentionally contaminates pastureland or fields with poisonous or harmful substances so as to endanger the life or health of animals,

is punishable with fine or simple imprisonment, or, in serious cases, with rigorous imprisonment not exceeding seven years.

(2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding six months, or fine.

**Article 519. - Environmental Pollution.**

(1) Whoever, in breach of the relevant law, discharges pollutants into the environment,



is punishable with fine not exceeding ten thousand Birr, or with rigorous imprisonment not exceeding five years.

- (2) Where the pollution has resulted in serious consequences on the health or life of persons or on the environment, the punishment shall be rigorous imprisonment not exceeding ten years.
- (3) Where the act of the criminal has infringed a criminal provision entailing a more severe penalty, the provisions on concurrence of crimes shall apply.

**Article 520. - Mismanagement of Hazardous Wastes and other Materials.**

Whoever:

- a) fails to manage hazardous wastes or materials in accordance with the relevant laws; or
  - b) fails to label hazardous wastes or materials; or
  - c) unlawfully transfers hazardous wastes or materials,
- is punishable with fine not exceeding five thousand Birr, or rigorous imprisonment not exceeding three years, or with both.

**Article 521.- Acts Contrary to Environmental Impact Assessment.**

Whoever, without obtaining authorization from the competent authority, implements a project on which an environmental impact assessment is required by law, or makes false statements concerning such assessment, is punishable with simple imprisonment not exceeding one year.

**Article 522. - Infringement of Preventive and Protective Public Health Measures.**

- (1) Whoever intentionally disregards the measures prescribed by law for the prevention, limit or arrest of a communicable human disease,

is punishable with simple imprisonment not exceeding two years, or fine.

- (2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding six months, or fine not exceeding three thousand Birr.
- (3) In cases of intentional infringement of rules for preventing, limiting or arresting the spread of an animal disease, or of agricultural or forest parasites or germs, the punishment shall be simple imprisonment not exceeding one year, or fine.
- (4) Where the crime under sub-article (3) is committed negligently, the punishment shall be simple imprisonment not exceeding three months, or fine not exceeding one thousand Birr.

**Article 523.- Creation of Distress or Famine.**

(1) Whoever intentionally, directly or indirectly, creates within the country a grave state of misery, want or famine, epidemic or epizootic disease or distress, especially by improperly hiding or hoarding, destroying or preventing the transport or distribution of grain, foodstuffs or provisions, or remedies or products necessary to the life or health of man or domestic animals,

is punishable with rigorous imprisonment not exceeding fifteen years.

(2) Whoever, in time of such distress, fails to fulfil, or to fulfil properly, without justification of force majeure, the obligations or liabilities incumbent upon him, whether as a purveyor, middleman, sub-contractor, carrier or agent, or in any other capacity, in respect to the delivery or handing over of provisions, remedies or any other products to be used to prevent, limit or arrest the distress,

is punishable under sub-article (1).

(3) Where the crime is committed for gain, the punishment shall be rigorous imprisonment not exceeding twenty years, and fine not exceeding one hundred thousand Birr.

#### **Article 524.- Participation of a Juridical Person.**

A juridical person which participates in one of the crimes in this Section, shall be punishable in accordance with Article 90 of this Code.

### **Section II.- Crimes Committed Through Production and Distribution of Substances Hazardous to Human and Animal Health**

#### **Article 525.- Producing, Making, Trafficking in or Using Poisonous or Narcotic and Psychotropic Substances.**

(1) Whoever, without special authorization and with the intent of trafficking:

(2)

a) plants, produces or makes, transforms or manufactures poisonous, narcotic or psychotropic plants or substances; or

b) possesses, imports, exports, transports, stores, brokers, purchases, offers for sale, distributes, utters, hands over or procures for another, one of the substances listed in (a) above; or

c) makes, possesses imports or exports means used for producing, composing or manufacturing one of the substances listed in (a) above; or

d) furnishes, leases or permits a house, premise or land under his ownership or possession, for the making,

composition, production sale or distribution of one of the substances listed in (a) above,

is punishable with rigorous imprisonment for not less than five years, and fine not exceeding one hundred thousand Birr.

The punishment shall be rigorous imprisonment for not less than ten years, and fine not exceeding two hundred thousand Birr:

- a) where the crime is committed by a member of a band or association organized nationally or internationally for the trafficking in such substances or committing crimes, or by a person who makes a profession of such unlawful activity; or
  - b) where the criminal, for gain, with base motive or for any other improper motive, knowingly furnishes the forbidden substances; or permits access to his premises for the taking of such substances; or where the user is an infant or a young person or a mentally deficient person or a drug addict; or
  - c) where the criminal employs children or a person with mental illness as a means for the commission of the crime; or
  - d) where the crime is committed in prisons, in schools, on the premises of institutions for social service, or in places where children or young students engage in educational, sporting or other social activities; or
  - e) where the criminal has been previously convicted for a similar crime.
- (3) Whoever possesses, transports, stores or hands over poisonous or narcotic or psychotropic drugs or plants, which he knows to have been procured through or intended for the commission of one of the crimes specified in sub-article (1) or (2) of this Article,

is punishable with rigorous imprisonment for not less than five years, and fine not exceeding one hundred thousand Birr.

(4) Whoever:

- a) plants, buys, receives, makes, possesses, sells or delivers one of the substances mentioned in sub-article (1) above, to be privately used by himself or another; or
- b) uses or causes to be used one of these substances without medical prescription or in any other unlawful manner,

is punishable with rigorous imprisonment not exceeding seven years, and fine not exceeding fifty thousand Birr.

(5) Any person who, intending to use narcotic or psychotropic substances for unlawful purposes, fraudulently causes a medical practitioner to give him a medical prescription, or transfers a prescription obtained lawfully or unlawfully to an unauthorized third person, or any medical practitioner who

intentionally makes out an unlawful prescription for narcotic or psychotropic substances,

is punishable with rigorous imprisonment not exceeding five years, and fine.

- (6) Nothing shall affect the provisions of this Code relating to seizure of dangerous articles (Art. 140) and the commission and aiding in money laundering (Art. 684).

**Article 526.- Doping.**

- (1) Whoever intentionally:

a) produces, imports, sells, keeps professionally or distributes harmful manufactured substances prohibited by law, which help to achieve physical and psychological superiority in sports by temporarily boosting the physical fitness acquired by nature and through training; or

b) makes use of or causes to be used unlawfully the substances mentioned in (a) above,

is punishable with simple imprisonment or fine, or where the act has caused grave injury, with rigorous imprisonment not exceeding five years.

- (2) Whoever, with intent to employ a legally authorized drug for the purpose specified in sub-article (1), prescribes, gives or makes use of it improperly or outside the purpose for which it has been made,

is punishable with simple imprisonment or fine.

- (3) Where one of the acts specified in sub-article (1) or (2) above is committed negligently, the punishment shall be simple imprisonment not exceeding three months, or fine not exceeding five thousand Birr.

**Article 527.- Manufacture, Adulteration and Sale of Injurious or Damaged Products or Foodstuffs.**

- (1) Whoever intentionally:

a) manufactures food, provisions, foodstuffs or products unfit for human consumption or goods which contain injurious or damaged ingredients, or who adulterates food or goods in such a way as to endanger public health; or

b) stores, offers for sale, exports, imports, receives or distributes such injurious products,

is punishable with simple imprisonment for not less than six months, or, in serious cases, with rigorous imprisonment for not less than five years and fine.

- (2) The punishment shall be rigorous imprisonment for not less than seven years, where the criminal:

- a) has special duties of supervision or control in an undertaking of public interest belonging to the State, or let out to concession by the State; or
  - b) deliberately manufactures, adulterates, sells or distributes remedies, medicaments, dietetic products or tonics, not poisonous in themselves and procurable without a prescription, the defective manufacture or adulteration of which can have dangerous effects.
- 3) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding six months, or fine.

**Article 528.- Manufacture, Adulteration and Sale of Fodder and Products Injurious to Live-Stock.**

Whoever intentionally:

- a) adulterates fodder 'or natural feeding stuffs, or manufactures injurious forage or other products, intended for domestic animals, thereby endangering the tatter's wealth or life; or
  - b) imports, exports, stores, sells, offers for sale or distributes such injurious fodder or other feeding stuffs,
- is punishable with simple imprisonment and fine.
- (2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding three years, or fine.

**Article 529. - Aggravating Circumstances.**

The maximum punishment of deprivation of liberty provided for in the preceding Articles (Art. 527 and 528) shall be pronounced, and the fine may be increased up to two hundred thousand Birr, where the criminal makes a profession of such crimes (Art. 90), or where his felonious activities relate to large quantities of goods, and where the damage caused is substantial.

**Article 530.- Participation of a Juridical Person.**

Any juridical person which participates in one of the crimes specified in Articles 525 to 529, shall be punishable in accordance with Article 90 of this Code.

**Article 531.- Endangering the Health of Another by Alcoholic Beverages or Spirituous Liquors.**

- (1) Whoever endangers the health of another, intentionally and unscrupulously, by administering or serving, or by causing or permitting to be administered or served, to minors or to persons already manifestly suffering from excessive consumption thereof, alcoholic beverages or spirituous liquors of such kind or in such quantity as to make their injurious effect certain or probable, is punishable with simple imprisonment not exceeding one year, and fine.

- (2) Where the crime is committed repeatedly, the punishment shall be simple imprisonment for not less than six months, without prejudice to prohibition of professional practice.
- (3) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding three months.

**Article 532.- Endangering by Mental Means or Practices.**

Whoever intentionally endangers the health of another by inducing in him a state of hypnosis, trance or catelepsy, or any other change or suspension of his conscious faculties,

is punishable under Article 531.

**Article 533. Endangering by Philtres, Spells or Similar Means.**

Whoever, knowing the danger which they imply, prepares, gives, sells distributes or administers to another a potion, powder, philtre or any other product or ingredient susceptible of impairing his health,

is punishable under Article 531.

**Article 534. - Aggravated Cases.**

- (1) Where the criminal makes a profession of the practices defined in Articles 532 and 533, he is punishable with simple imprisonment for not less than one year, and fine.
- (2) Where the crime is committed against the will of the victim, the special provision regarding deprivation of powers of decision (Art. 583) shall be applied concurrently.

**CHAPTER II**

**INFRINGEMENTS OF CURATIVE AND PROTECTIVE PROVISIONS**

**Article 535.- Unlawful Exercise of the Medical or Public Health Professions.**

- (1) Whoever, having neither the professional qualifications prescribed and controlled by the competent authority nor the authorization to set up in official practice required under the relevant regulations or by exceeding his authorization, makes a practice of treating sick persons in no matter what form, or does so for remuneration, whether it be by consultations, treatment, the sale of remedies or any other medical or curative activity or practice,

is punishable with simple imprisonment not exceeding one year, or with rigorous imprisonment not exceeding five years and fine.

- (2) A person who treats live-stock under the circumstances provided in sub-article (1) above, is punishable with simple imprisonment or fine.
- (3) Whoever manufactures, offers for sale, sells, distributes or puts on use drugs or medical instruments:
- a) the safety, efficacy and quality of which is not ascertained and duly authorized by the appropriate organ; or
  - b) which are counterfeited or adulterated; or which have misleading labels written on, affixed to or enclosed with, their packaging; or
  - c) that have expired; or
  - d) which are prohibited, spoiled, faked, contaminated or, for any other reason, ascertained to be harmful to the health of the person using them,

is punishable with rigorous imprisonment for not less than five years, and fine from twenty thousand to fifty thousand Birr.

- (4) Casual advice, aid or services rendered in cases of urgency or in an emergency, or out of kindness or devotion and free of charge, or the delivery in such conditions of proven and innocuous natural or traditional remedies, are not punishable.
- (5) Nothing in this Article shall prevent the practice of a system of therapeutics according to indigenous methods by persons recognized by the local community to which they belong, to be duly trained in such practice, provided that no such person shall be authorized to practice except amongst the local community to which he belongs and in such a manner as is neither dangerous nor injurious to the person, health or life.

**Article 536.- Unlawful Delivery of Poisonous or Dangerous Substances.**

Any doctor, pharmacist, dentist, veterinary surgeon or nurse, or any other person authorized to give medical care with the help of poisonous, narcotic or psychotropic substances or substances entailing grave danger to health, or to keep or sell such substances, who makes use of them or delivers them to the public without special authority and apart from the cases permitted in normal curative practice,

is punishable with simple imprisonment for not less than three years and fine, or, in serious cases, with rigorous imprisonment not exceeding seven years and fine.

Where the criminal has committed the crime for gain, he shall be punishable with fine not exceeding one hundred thousand Birr.

**Article 537.- Refusal to Provide Medical Assistance.**

- (1) Any doctor, pharmacist, dentist, veterinary surgeon, midwife or nurse, or any other person lawfully entitled to render professional attention and care, who, contrary to his duty and without just cause refuses to provide his services in a case of serious need, whether from indifference, selfishness, cupidity, hatred or contempt or any other similar motive,

is punishable with fine, or, where the crime is repeated, with simple imprisonment not exceeding six months.

- (2) Nothing shall affect the more severe provision (Art. 575(2)) punishing failure to lend aid to a person in grave and imminent peril of his life, person or health.

**BOOK V**  
**CRIMES AGAINST INDIVIDUALS AND THE FAMILY**

**TITLE I**  
**CRIMES AGAINST LIFE, PERSON AND HEALTH**

**CHAPTER I**  
**CRIMES AGAINST LIFE**

**Section I.- Homicide and its Forms**

**Article 538. - Principle.**

- (1) Whoever causes the death of a human being intentionally or by negligence, no matter what the weapon or means used, commits homicide.
- (2) The punishment to be imposed upon the person who is guilty of intentional or negligent homicide shall be determined according to the following provisions depending on whether the homicide is simple or aggravated.
- (3) Any person who committed homicide, whether intentionally or negligently, shall be punished by lawful judicial process and in accordance with decisions rendered thereby.

**Article 539.- Aggravated Homicide.**

- (1) Whoever intentionally commits homicide:
  - a) with such premeditation, motive, weapon or means, in such conditions of commission, or in any other aggravating circumstance, whether general (Art. 84) or other circumstances duly established (Art. 86), as to show that he is exceptionally cruel, abominable or dangerous; or
  - b) as a member of a band organized for carrying out homicide or armed robbery; or
  - c) to further another crime or to conceal a crime already committed,



is punishable with rigorous imprisonment for life, or death.

- (2) Death sentence shall be passed where the criminal has committed homicide in the circumstances specified under sub-article (1) above while serving a sentence of rigorous imprisonment for life.

**Article 540.- Ordinary Homicide.**

Whoever intentionally commits homicide neither in aggravating circumstances as in Article 539, nor in extenuating circumstances as in Article 541,

is punishable with rigorous imprisonment from five years to twenty years.

**Article 541.- Extenuated Homicide.**

Whoever intentionally commits homicide:

- a) by exceeding the limits of necessity (Art. 75), or of legitimate defence (Art. 78); or
- b) following gross provocation, under the shock of surprise or under the influence of violent emotion or intense passion made understandable and in some degree excusable by the circumstances,

is punishable with simple imprisonment not exceeding five years.

**Article 542. - Instigating or Aiding another to commit Suicide.**

- (1) Whoever instigates another to commit suicide, or aids him to do so,

is punishable with simple imprisonment where the suicide is attempted, and with rigorous imprisonment not exceeding five years where it is consummated.

- (2) Where the person who has been instigated or aided to commit suicide had not attained the age of majority, or had no capacity because of mental illness or senility, the punishment to be imposed upon the instigator or assistant shall be rigorous imprisonment not exceeding five years, where the suicide is attempted, and rigorous imprisonment not exceeding ten years, where it is consummated.

**Article 543.- Homicide by Negligence.**

- (1) Whoever negligently causes the death of another in circumstances other than those specified in sub-article (2) and (3) of this Article,

is punishable with simple imprisonment from six months to three years, or with fine from two thousand to four thousand Birr.

- (2) Where the negligent homicide is committed by a person, such as a doctor or driver, who has a professional or other duty to protect the life, health or safety of another, the punishment shall be simple imprisonment from one year to five years and fine from three thousand to six thousand Birr.
- (3) The punishment shall be rigorous imprisonment from five year to fifteen years and fine from ten thousand to fifteen thousand Birr where the criminal has negligently caused the death of two or more persons or where he has deliberately infringed express rules and regulations disregarding that such consequences may follow or even where he has put himself in a state of irresponsibility by taking drugs or alcohol.

#### **Article 544. - Infanticide.**

- (1) A mother who intentionally kills her infant while she is in labour or while still suffering from the direct effect thereof,

is punishable, according to the circumstances of the case, with simple imprisonment.

Where the crime is attempted, the Court shall mitigate the punishment (Art. 180) if no injury has been done to the intent.

- (2) A mother who kills her child, either intentionally or by negligence, in circumstances other than those specified under sub-article (1) of this Article shall be tried according to the relevant provisions of this Code regarding homicide.
- (3) Another person, being a principal, an instigator or an accomplice in the crime committed under sub-article (1) of this Article, is excluded from the benefits of extenuation, and is punishable under the general provisions relating to homicide, according to the circumstances and the degree of his guilt.

### **Section.- II Crimes against Life Unborn; Abortion**

#### **Article 545. - Principle.**

- (1) The intentional termination of a pregnancy, at whatever stage or however effected, is punishable according to the following provisions, except as otherwise provided under Article 551.
- (2) The nature and extent of the punishment given for intentional abortion shall be determined according to whether it is procured by the pregnant woman herself or by another, and in the latter case according to whether or not the pregnant woman gave her consent.

**Article 546. - Abortion Procured by the Pregnant Woman.**

- (1) A pregnant woman who intentionally procures her own abortion is punishable with simple imprisonment.
- (2) Any other person who procured for her the means of, or aids her in the abortion, shall be punishable as a principal criminal or an accomplice, with simple imprisonment.

**Article 547. - Abortion Procured by Another.**

- (1) Whoever contrary to the law performs an abortion on another, or assists in the commission of the crime, is punishable with simple imprisonment.
- (2) Rigorous imprisonment shall be from three years to ten years, where the intervention was effected against the will of the pregnant woman, or where she was incapable of giving her consent, or where such consent was extorted by threat, coercion or deceit, or where she was incapable of realizing the significance of her actions.
- (3) A pregnant woman who consents to an act of abortion except as is otherwise permitted by law, is punishable with simple imprisonment.

**Article 548. - Aggravated Cases.**

Where abortion is performed apart from the circumstances provided by law the punishment shall be aggravated as follows:

- (1) in cases where the criminal has acted for gain, or made a profession of abortion (Art. 92), he is punishable with fine in addition to the penalties prescribed in Article 547 above;
- (2) in cases where the crime is committed by a person who has no proper medical profession, the punishment shall be simple imprisonment for not less than one year, and fine;
- (3) in cases where the crime is committed by a professional, in particular, by a doctor, pharmacist, midwife, or nurse practising his profession, the Court shall, in addition to simple imprisonment and fine, order prohibition of practice, either for a limited period, or, where the crime is repeatedly committed, for life (Art. 123).

**Article 549. - Attempt to Procure an Abortion on a Non-Pregnant Woman.**

The general provisions relating to crimes impossible of completion (Art. 29) shall apply in the case of attempt to procure an abortion on a woman wrongly supposed to be pregnant.

**Article 550. - Extenuating Circumstances.**

Subject to the provision of Article 551 below, the Court shall mitigate the punishment under Article 180, where the pregnancy has been terminated on account of an extreme poverty.

**Article 551.-Cases where Terminating Pregnancy is Allowed by Law.**

- (1) Termination of pregnancy by a recognized medical institution within the period permitted by the profession is not punishable where:
  - a) the pregnancy is the result of rape or incest; or
  - b) the continuance of the pregnancy endangers the life of the mother or the child or the health of the mother or where the birth of the child is a risk to the life or health of the mother; or
  - c) where the child has an incurable and serious deformity; or
  - d) where the pregnant woman, owing to a physical or mental deficiency she suffers from or her minority, is physically as well as mentally unfit to bring up the child.
- (2) In the case of grave and imminent danger which can be averted only by an immediate intervention, an act of terminating pregnancy in accordance with the provision of Article 75 of this Code is not punishable.

**Article 552.- Procedure of Terminating Pregnancy and the penalty of Violating the Procedure.**

- (1) The Ministry of Health shall shortly issue a directive whereby pregnancy may be terminated under the conditions specified in Article 551 above, in a manner which does not affect the interest of pregnant women.
- (2) In the case of terminating pregnancy in accordance with sub-article (1) (a) of Article 551 the mere statement by the woman is adequate to prove that her pregnancy is the result of rape or incest.
- (3) Any person who violated the directive mentioned in sub-article (1) above, is punishable with fine not exceeding one thousand Birr, or simple imprisonment not exceeding three months.

**CHAPTER II  
CRIMES AGAINST PERSON AND HEALTH**

**Article 553. - Principle.**

- (1) Whoever intentionally or by negligence causes bodily injury to another or impairs his health, by whatever means or in any manner, is punishable in accordance with the provisions of this Chapter.

These provisions embrace all manner of bodily assaults, blows, wounds, maiming, injuries or harm, and all damage to the physical or mental health of an individual.

- (2) Compensation to the injured party is determined by the Court in light of the gravity of the injury and the position of the parties, in accordance with the general provisions of this Code (Art. 101).

**Article 554. - Expert Assessment In Case of Doubtful Cases.**

Where there is doubt as to the nature of a case, its consequences or its gravity, the Court may call for an expert forensic medical assessment to assist in deciding the case.

**Article 555.- Grave Wilful Injury.**

Whoever intentionally:

- a) wounds a person so as to endanger his life or to permanently jeopardize his physical or mental health; or
- b) maims his body or one of his essential limbs or organs, or disables them, or gravely and conspicuously disfigures him; or
- c) in any other way inflicts upon another an injury or disease of a serious nature,

is punishable, according to the circumstances of the case and the gravity of the injury, with rigorous imprisonment not exceeding fifteen years, or with simple imprisonment for not less than one year.

**Article 556. - Common Wilful Injury.**

- (1) Whoever causes another to suffer an injury to body or health other than those specified in Article 555 above,

is punishable, upon complaint, with simple imprisonment not exceeding one year, or with fine.

- (2) The crime is punishable, upon accusation, with simple imprisonment from six months to three years where:
- a) the criminal has used poison, a lethal weapon or any other instrument capable of inflicting injuries; or
  - b) the criminal has inflicted the injuries in breach of a duty, professional or other; or
  - c) the victim is weak, sick or incapable of defending himself.

**Article 557. - Extenuating Circumstances.**

- (1) Whoever intentionally does injury to the person or health of another:

- a) by exceeding the limits of necessity (Art. 75), or legitimate defence (Art. 78); or
- b) following gross provocation, or under the shock or influence of a surprise, an emotion or a passion made understandable and in some degree excusable by the circumstances; or

- c) at the request or with the consent of the victim who is capable of realizing his action and its consequences, where the injury is forbidden by law or offends public decency,

is punishable with simple imprisonment not exceeding two years, or fine not exceeding four thousand Birr.

- (2) In the case provided for in sub-article (1)(c), simple imprisonment shall not exceed four years where the victim, due to age, mental or other conditions, was partially or completely incapable of realizing the consequences of his request or consent.

#### **Article 558. - Consequences not Intended by the Criminal.**

Whoever has caused grave injury through criminal negligence, although his intention was to inflict common injury,

is punishable with simple imprisonment from six months to three years.

#### **Article 559. - Injuries Caused by Negligence.**

- (1) Whoever, by criminal negligence, causes another to suffer common injury to person or to health, is punishable with simple imprisonment not exceeding six months, or fine not exceeding one thousand Birr.
- (2) The punishment shall be simple imprisonment for not less than six months, and a fine of not less than one thousand Birr, where the injury inflicted is of the same kind as the one stated in Article 555, or where it was caused by a person like a doctor or driver, who had a special duty to safeguard the body or health of another.
- (3) The crime is punishable upon accusation, where the injury is grave, and upon complaint, where it is common. The extent of the injury shall be determined in accordance with Articles 555 and 556.

#### **Article 560.- Assaults.**

- (1) Whoever assaults another or does him violence without causing bodily injury or impairment of health,

is punishable, upon complaint, with a fine not exceeding three hundred Birr, or, in serious cases, with simple imprisonment not exceeding three months.

Simple bruises, swellings or transient aches and pains are not held to be injuries to person or health.

- (2) Minor crimes that do not come under sub-article (1) of this Article are punishable in accordance with the provision of Article 840 of the Code of Petty Offences.

- (3) Where the victim has returned assault for assault, the Court may refrain from inflicting any punishment other than a reprimand or warning for the future on either of the two or both parties.

**CHAPTER III**  
**CRIMES COMMITTED AGAINST LIFE, PERSON AND HEALTH**  
**THROUGH HARMFUL TRADITIONAL PRACTICES**

**Article 561.- Endangering the Lives of Pregnant Women and Children through Harmful Traditional Practices.**

- (1) Whoever causes the death of a pregnant or a delivering woman or that of a newly born child as a result of the application of a harmful traditional practice such as:

- a) massaging the abdomen of a pregnant woman, or shaking a woman in a prolonged labour; or
- b) soiling the umbilical cord of a newly-born child with dung or other similar substances, keeping a newly-born child out of the sun or feeding it butter, excising the uvula of a child or taking out milk teeth or preventing the child from being vaccinated; or
- c) through the exercise of other traditional practices known by the medical profession to be harmful, is punishable with fine or simple imprisonment from three months to one year.

- (2) Where the death was caused by negligence, the relevant provision of this Code (Art. 543) shall apply.

**Article 562.- Causing Bodily Injury to Pregnant Women and Children Through Harmful Traditional Practices**

- (1) Whoever causes bodily injury or mental impairment to a pregnant or delivering woman or to a newly-born child as a result of the application of a harmful traditional practice such as:

- a) massaging the abdomen of a pregnant woman, or shaking a woman in a prolonged labour; or
- b) soiling the umbilical cord of a newly-born child with dung or other similar substances, keeping a newly-born child out of the sun or feeding it butter, excising the uvula of a child or taking out milk teeth or preventing the child from being vaccinated; or
- c) through the exercise of other traditional practices known by the medical profession to be harmful,  
is punishable with fine or simple imprisonment not exceeding six months.

- (2) Where the injury to body, mind or health was caused by negligence, the relevant provision of this Code (Art. 559) shall apply.

**Article 563.- Discretion of the Court.**

In respect of the crimes specified under Articles 561 and 562, the Court, taking into account the age, education, experience or social status of the criminal, may give him only a warning instead of fine or a penalty entailing loss of liberty.

**Article 564.- Violence Against a Marriage Partner or a Person Cohabiting in an Irregular Union.**

The relevant provision of this Code (Arts. 555 - 560) shall apply to a person who, by doing violence to a marriage partner or a person cohabiting in an irregular union, causes grave or common injury to his /her physical or mental health.

**Article 565.- Female Circumcision.**

Whoever circumcises a woman of any age,

is punishable with simple imprisonment for not less than three months, or fine not less than five hundred Birr.

**Article 566.- Infibulation of the Female Genitalia.**

- (1) Whoever infibulates the genitalia of a woman,

is punishable with rigorous imprisonment from three years to five years.

- (2) Where injury to body or health has resulted due to the act prescribed in sub-article (1) above, subject to the provision of the Criminal Code which provides for a more severe penalty, the punishment shall be rigorous imprisonment from five years to ten years.

**Article 567.- Bodily Injuries Caused Through Other Harmful Traditional Practices.**

Whoever, apart from the circumstances specified in this Chapter, inflicts upon another bodily injury or mental impairment through a harmful traditional practice known for its inhumanity and ascertained to be harmful by the medical profession,

shall, according to the circumstances of the case, be liable to one of the penalties prescribed under the provisions of Article 561 or Article 562 of this Code.



**Article 568.- Transmission of Disease Through Harmful Traditional Practices.**

Where the victim has contracted a communicable disease as a result of one of the harmful traditional practices specified in the above provisions, the penalties prescribed in this Code concerning the spread of communicable diseases shall apply concurrently.

**Article 569.- Participation in Harmful Traditional Practices.**

A parent or any other person who participates in the commission of one of the crimes specified in this Chapter,

is punishable with simple imprisonment not exceeding three months, or fine not exceeding five hundred Birr.

**Article 570.- Incitement Against the Enforcement of Provisions Prohibiting Harmful Traditional Practices.**

Any person who publicly or otherwise incites or provokes another to disregard the provisions of this Code prohibiting harmful traditional practices, or organizes a movement to promote such end, or takes part in such a movement, or subscribes to its schemes,

is punishable with simple imprisonment for not less than three months, or fine not less than five hundred Birr, or both.

**CHAPTER IV  
CRIMES ENDANGERING LIFE, PERSON OR HEALTH**

**Article 571. - Exposure of the Life of Another.**

Whoever intentionally puts another in imminent danger of death,

is punishable, according to the circumstances of the case, with rigorous imprisonment not exceeding three years, or with simple imprisonment for not less than three months.

**Article 572.- Exposing to Danger through the Violation of Traffic Regulations.**

- (1) Any driver or pedestrian who exposes to danger the life, body, health or property of another by negligently violating traffic regulations,

is punishable with simple imprisonment from one month to three years, or fine not less than one hundred Birr, or both.

- (2) Where the act has caused injury to the life, body, health or property of another, the relevant provisions of this Code and those of the infringed traffic regulation shall apply concurrently.

**Article 573.- Endangering the Human Body.**

- (1) Whoever, with intent to obtain money or other advantage:
- a) gives while alive his organ or a part of his body to another; or
  - b) enters into a contract with another person or institution to give his organ or a part of his body after his death, is punishable with simple imprisonment or fine.
- (2) Whoever, with intent to obtain money or other advantage, takes away an organ or a part of the body of another with the latter's consent, shall be punishable:
- a) with rigorous imprisonment from five years to ten years, where the act is committed while the victim is still alive; or
  - b) with rigorous imprisonment not exceeding five years, where the act is committed after the death of the victim.
- (3) Whoever takes an organ or part of the body of another by coercion, fraud, trickery or without the consent of the person concerned,
- is punishable with rigorous imprisonment from ten years to twenty-five years.
- (4) Whoever, apart from the cases specified in the above sub-articles, and contrary to law, regulations or rules, carries out scientific or medical examination, research or experiments on a person's body by coercing the person or without his consent or knowledge, or discloses or gives under any conditions to another person such information obtained in this manner,
- is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding ten years.
- (5) Where a juridical person commits one of the acts specified in sub-article (2), (3) or (4) above, it shall be liable to punishment in accordance with Articles 34 and 90(3) of this Code.

**Article 574. - Exposure or Abandonment of Another.**

- (1) Whoever, having the custody or charge, on no matter what grounds, of a person incapable of protecting himself, whether on account of his health, his age, his situation or any other circumstance, intentionally:
- a) exposes him, thereby putting him in imminent danger of life or health; or
  - b) abandons him when in like situation, is punishable, according to the circumstances of the case, with rigorous imprisonment not exceeding five years, or with simple

imprisonment for not less than six months, without prejudice to the deprivation of the criminal's family rights where necessary.

- (2) Where the crime is committed against an infant, the punishment shall be rigorous imprisonment not exceeding seven years.

**Article 575 .- Failure to Lend Aid to Another.**

- (1) Whoever intentionally leaves without help a person in imminent and grave peril of his life, person or health, when he could have lent him assistance, direct or indirect, without risk to himself or to third parties,

is punishable with simple imprisonment not exceeding six months, or fine.

- (2) Simple imprisonment shall be in addition to fine, and shall be from one month to two years, where:

- a) the victim has been injured by the criminal himself, no matter in what circumstances or by whatever means; or
- b) the criminal was under an obligation, professional or contractual, medical, maritime or other, to go to the victim's aid or to lend him assistance.

**Article 576.- Maltreatment of Minors.**

- (1) Whoever, having the custody or charge of a minor, ill-treats, neglects, over tasks or beats him for any reason or in any manner,

is punishable with simple imprisonment not exceeding three months.

- (2) Where the crime causes grave injury to the health, well-being, education or physical or psychological development of the minor,

the punishment shall be, in addition to the deprivation of family rights of the criminal, simple imprisonment for not less than one year.

- (3) The taking, by parents or other persons having similar responsibilities, of a disciplinary measure that does not contravene the law, for purposes of proper upbringing, is not subject to this provision (Art. 68).

**Article 577.- Brawls.**

- (1) Whoever, without confining himself to repelling attack, to defending himself or others, or to separating the combatants, takes part in any brawl or fight of not less than three persons,

from which injury to the person or health, or the death, of one of those present or damage to property, may ensue,

is punishable with simple imprisonment not exceeding one year.

- (2) Whoever takes part in a brawl and is found to be carrying, or makes use of, a weapon or instrument capable of causing wounds or death, or any other similar weapon,

is punishable with simple imprisonment from one month to one year, where no injury has ensued.

- (3) Where anyone has been wounded or killed on account of the attendant circumstances of the brawl, especially because of the hatred, state of excitement or drunkenness of the opposing sides, or because they were armed or were provided with instruments, stones or any other objects capable of wounding or causing death, the punishment shall be increased up to the general legal maximum.

- (4) In such cases, where those who have caused the injury or death can be discovered, they shall be punishable under the relevant provisions concurrently (Art. 66).

#### **Article 578.- Duels.**

- (1) Whoever takes part in a duel, that is to say in an armed combat involving deadly weapons regulated in advance by tradition or custom, such as to endanger the life, person or health of the participants,

is punishable, whether or not bodily injury has been sustained, with simple imprisonment or fine.

- (2) Where precautions have been taken to eliminate risk of death, simple imprisonment shall not exceed one year, or the fine shall not exceed two thousand Birr.
- (3) Where the combat was to last until the death of one of the combatants, the punishment shall be rigorous imprisonment, which shall not exceed ten years, where death actually ensued.
- (4) An adversary who, knowingly, infringes the special rules or usages of combat and, by this deceit, wounds or kills the other combatant, shall be punished in accordance with the general provisions of this Code governing homicide or bodily injuries.

#### **Article 579.- Duelling: Challenge, Incitement and Aiding.**

- (1) Whoever challenges another to a duel, transmits such challenge or accepts it,

is punishable with fine, or where the duel is fought, with simple imprisonment not exceeding one year.

- (2) Where the crime is repeated, the punishment shall be simple imprisonment not exceeding three months.
- (3) Where one of the adversaries withdraws from the contest, or prevents it, of his own accord, the Court may exempt him, or both parties, from punishment.
- (4) Whoever incites another to fight a duel with a third person, whether by intimidation, by encouragement, by showing contempt or otherwise,

is punishable with fine, or, where the duel is fought, with simple imprisonment not exceeding one year.

- (5) The seconds, witnesses, members of the Court of honour, helpers or doctors, appointed to ensure the regularity of the proceeding or to remedy their consequences, are not liable to punishment unless they have encouraged or incited the adversaries to fight. The provisions relating to complicity do not apply to them.

## **TITLE II CRIMES AGAINST LIBERTY**

### **CHAPTER I CRIMES AGAINST PERSONAL LIBERTY**

#### **Article 580.- Intimidation.**

Whoever threatens another with danger or injury so serious as to induce in him a state of alarm or agitation, is punishable, upon complaint, with fine not exceeding five hundred Birr, or with simple imprisonment not exceeding six months.

Nothing in this Article shall prevent the Court from ordering the convicted person to enter a recognizance to be of good behaviour (Art. 135).

#### **Article 581.- Threat of Accusation or Disgrace.**

Whoever threatens to lodge a complaint or an accusation or to disclose a fact such as to injure the honour or reputation of either the victim or a third party tied to him by blood, marriage or affection, and thereby induces such other person to submit to a condition or demand contrary to morality, is punishable, upon complaint, under the preceding Article (Art. 580).

#### **Article 582.- Coercion.**

Whoever resorts to violence or to threats of a serious injury to the victim or to a third party tied to him by blood, marriage or affection within the meaning of the preceding Article, or by interfering in any other unlawful or improper way with the liberty of action of another, compels him to do a thing or to permit it to

be done, or to refrain from doing it or from permitting it to be done,

is punishable, where the crime does not come under a more severe specific provision, with simple imprisonment not exceeding three years, or fine.

**Article 583.- Deprivation of Powers of Decision.**

- (1) Whoever deprives another against his will of his conscious faculties or of his freedom of decision or action, whether by hypnotic suggestion, by the administration of alcohol, or narcotic or psychotropic substances, or by any other means,

is punishable, upon complaint, with simple imprisonment or fine.

- (2) According to the circumstances of the case, this Article may be applied concurrently with other relevant provisions (Arts. 532-534).

**Article 584.- Combination of Crimes.**

Where the intimidation, violence, coercion or deprivation of freedom of decision has been used in the commission of, or for the purpose of committing, a crime of which such behavior is an ingredient, such as robbery, extortion, blackmail or rape, the relevant provision is applicable.

**Article 585.- Illegal Restraint.**

- (1) Whoever, contrary to law or without lawful order, arrests, confines or detains or otherwise restrains the freedom of another,

is punishable with simple imprisonment not exceeding three years.

- (2) The punishment shall be rigorous imprisonment not exceeding five years where:

- a) the crime is committed on the false pretext of mental illness or dangerous condition of the victim; or
- b) the crime persists for more than five days.

- (3) Where the crime is committed to compel the government, an international organization, a natural or a juridical person to do or to abstain from doing an act, by carrying out threats of endangering the life, person or liberty of the detainee or of prolonging his detention,

the punishment shall be rigorous imprisonment from five years to ten years.

- (4) Where the crime under sub-article (1) or (2) is committed by a public servant or official, the special provision of this Code (Art. 423) shall apply.

**Article 586.- Abduction of Another.**

Whoever abducts another by violence, or commits such an act after having obtained his consent by intimidation or violence, trickery or deceit,  
is punishable with rigorous imprisonment not exceeding seven years.

**Article 587.- Abduction of a Woman.**

- (1) Whoever with intent to marry a woman abducts her by violence, or commits such an act after having obtained her consent by intimidation, threat, trickery or deceit,

is punishable with rigorous imprisonment from three years to ten years.

- (2) Where the act of abduction is accompanied by rape, the perpetrator shall be liable to the punishment prescribed for rape in this Code.
- (3) The conclusion of a marriage between the abductor and the abducted subsequent to the abduction shall not preclude criminal liability.
- (4) Nothing shall affect the right of the victim to claim compensation under civil law for the moral and material damage she may have sustained as a result of the abduction.

**Article 588.- Abduction of an Unconscious or Defenceless Woman.**

Whoever knowing her conditions, intentionally carries off an insane, feeble-minded or retarded woman, one not fully conscious, or one who is incapable or has been rendered incapable of defending herself or of offering resistance,  
is punishable with rigorous imprisonment from five years to fifteen years.

**Article 589.- Abduction of a Minor.**

- (1) Whoever abducts another by violence, or commits such an act after having obtained his consent by intimidation or violence, trickery or deceit,  
is punishable with rigorous imprisonment from five years to fifteen years.
- (2) Whoever knowing his conditions, intentionally carries off an insane, feeble-minded or retarded minor, one not fully conscious, or one who is incapable or has been rendered incapable of defending himself or of offering resistance,

is punishable with rigorous imprisonment from seven years to twenty years.

- (3) Whoever carries off, abducts or improperly detains an infant or a young person in order to deprive his parents or lawful guardians of his custody,

is punishable with rigorous imprisonment not exceeding five years.

- (4) Where the criminal returns the minor to his parents or lawful guardians within thirty days, and where none of the aggravating circumstances specified in the following Article has obtained, the punishment shall be simple imprisonment not exceeding one year.

#### **Article 590.- Aggravation to the Crime.**

- (1) Where the intimidation, the coercion, the deprivation of powers of decision, the illegal restraint or the abduction is committed:

- a) with intent to take unfair advantage of the victim, or to allow another to take advantage of him, or to use him for debauchery or prostitution; or
- b) to exploit him or to hold him to ransom; or
- c) in conditions which are specially cruel,

the crime is aggravated, and the punishment shall be in accordance with the following provisions.

- (2) The Court shall pass sentence:

- a) of simple imprisonment from three months to five years in the case of intimidation or coercion (Art. 580 to 582);
- b) of rigorous imprisonment not exceeding seven years where there has been deprivation of powers of decision or illegal restraint (Art. 583 and 585);
- c) of rigorous imprisonment from five years to fifteen years in the case of simple abduction (Art. 586 and 587);
- d) of rigorous imprisonment from seven years to twenty years in the case of the abduction of an unconscious or defenceless woman (Art. 588); and
- e) of rigorous imprisonment from ten years to twenty-five years in the case of the abduction of a minor (Art. 589).

#### **Article 591.- Substitution of an Infant for Another and Taking Away of an Infant belonging to Another.**

- (1) Whoever intentionally:

- a) substitutes an infant for another; or
- b) takes away, claiming to be his, an infant who was not born of him,



is punishable with rigorous imprisonment not exceeding seven years.

(2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding one year.

**Article 592.- Failure to Produce a Minor.**

Whoever having the custody of a minor refuses to hand him over to the person or institution entitled to his custody either by law or by virtue of a Court order, is punishable with simple imprisonment not exceeding one year, or fine.

**Article 593.- Ascendants; Special Case.**

Where the criminal who abducts (Art. 589) or fails to produce a minor (Art. 592) is the father or mother, natural or adoptive, or an ascendant of such minor, and where he has acted with the sole intent to secure custody of the child, or from noble motives,

the punishment shall be, upon complaint, simple imprisonment not exceeding three months, or fine not exceeding five hundred Birr.

**Article 594.- Aggravated Cases.**

Where the crime under Article 592 or 593 has been committed for the purpose of removing the child to a distance and transplanting him to an environment foreign to his religious convictions or to his deepest feelings,

the punishment shall be simple imprisonment not exceeding five years, or fine not exceeding ten thousand Birr.

**Article 595.- Political Abduction.**

(1) Whoever, after having abducted another for a political reason, by intimidation, trickery, violence or coercion, with the intention of endangering his life, person, health or freedom:

- a) persuades him into leaving the country in order to hand him over to an authority, an organization, a group or a political party; or
- b) hands him over to a local group or political party, or
- c) causes him to be isolated from the public within the country,

is punishable with rigorous imprisonment not exceeding fifteen years.

(2) Whoever orders or organizes such abduction is punishable with rigorous imprisonment not exceeding twenty years.

**Article 596.- Enslavement.**

(1) Whoever:

- a) forcibly enslaves another, sells, alienates, pledges or buys him, or trades or traffics in or exploits him in any manner; or
- b) keeps or maintains another in a condition of slavery, even in a disguised form, is punishable with rigorous imprisonment from five years to twenty years, and fine not exceeding fifty thousand Birr.

(2) Whoever, in order to deliver him at his place of destination, carries off or transports a person found in situations stated above, whether by land, by sea or by air, or conducts or aids such traffic,

is liable to the punishment under sub-article (1) above.

(3) Where the crime is committed against children, women, feeble-minded or sick persons, the punishment shall be rigorous imprisonment from ten years to twenty years.

**Article 597.- Trafficking in Women and Children.**

(1) Whoever by violence, threat, deceit, fraud, kidnapping or by the giving of money or other advantage to the person having control over a woman or a child, recruits, receives, hides, transports, exports or imports a woman or a minor for the purpose of forced labour,

is punishable with rigorous imprisonment from five years to twenty years, and fine not exceeding fifty thousand Birr.

(2) Whoever knowingly carries off, or transports, whether by land, by sea or by air, the victim mentioned in sub-article (1), with the purpose stated therein, or conducts, or aids such traffic,

is liable to the penalty prescribed under sub-article (1) above.

**Article 598.- Unlawful Sending of Ethiopians for Work Abroad.**

(1) Whoever, without having obtained a license or by any other unlawful means, sends an Ethiopian woman for work abroad,

is punishable with rigorous imprisonment from five years to ten years, and fine not exceeding twenty-five thousand Birr.

(2) Where the Ethiopian woman sent abroad, owing to the act mentioned above, suffers an injury to her human rights, or to her life, body or psychological make-up, the sender shall be punishable with rigorous imprisonment from five years to twenty years, and fine not exceeding fifty thousand Birr.

- (3) The provisions of this Article shall apply where similar acts are committed against Ethiopian men.

**Article 599.- Participation of Illegal Associations and Juridical Persons in Crimes Specified in this Chapter.**

- (1) Where the injury to liberty, whether by intimidation, trickery, coercion, abduction, illegal restraint, enslavement, traffic or exploitation in one of the above forms stated in this Chapter, is the work of an association or band formed to engage in, or engaging in, the slave trade, no matter in what form, such band or association shall be punishable with a fine not exceeding one hundred thousand Birr and its dissolution shall be ordered.

This penalty is without prejudice to the punishment applicable to the criminal or criminals on the count of their personal criminal guilt.

- (2) Where the juridical person has committed the crime it shall, according to the kind and gravity of the crime, be liable to the punishment proscribed in Article 90 of this Code.

**Article 600.- Default of Supervision or Control.**

- (1) An official at any level of the governmental hierarchy who fails to take the appropriate measure expected of him for the control or prevention of traffic in or exploitation of slaves or related activities, within his jurisdiction,

is punishable with a fine which, according to the gravity of the case, may be increased up to the special maximum prescribed under Articles 596-599.

- (2) Where the crime is committed negligently, the fine shall not exceed ten thousand Birr.

**CHAPTER II  
CRIMES AGAINST OTHER PERSONS' RIGHTS**

**Article 601.- Restraint of the Free Exercise of Civil Rights.**

- (1) Whoever by intimidation, violence, fraud or any other unlawful means:

- a) prevents a person from exercising his civil rights granted by the Constitution or other laws, especially his right as a parent or a guardian, his right to bring a legal action or to appear before the Courts; or
- b) compels him to exercise such rights in a particular way, is punishable with simple imprisonment not exceeding three years, or fine.

- (2) The restraint of the free exercise of political rights especially the right of voting and election,

is punishable under the special provision of this Code (Art. 467).

**Article 602.- Violation of the Right of Freedom of Movement.**

- (1) Whoever, not being authorized by law so to do, prevents another from moving freely within the territory of Ethiopia, is punishable with simple imprisonment or fine.
- (2) Where the criminal is a public servant, he shall be punishable under the relevant provision of this Code (Art. 407).

**Article 603.- Violation of the Right of Freedom to Work**

- (1) Whoever, by intimidation, violence, fraud or any other unlawful means, compels another:
  - a) to accept a particular employment or particular conditions of employment, or to refuse or withhold his labour, with the object of imposing on an employer by force the acceptance or modification of terms of employment; or
  - b) to join a group or association having as its aim the objects mentioned in (a), or anyone who prevents another from freely leaving such a group or association,is punishable, upon complaint, with simple imprisonment for not less than three months, or fine.
- (2) Where the person or persons causing intimidation or violence were carrying weapons or other instruments; or where the prevention or coercion is the work of a large group, the punishment of imprisonment prescribed under sub-article (1) shall be imposed in combination with fine.

**Article 604.- Violation of Privacy of Domicile or Restricted Areas.**

- (1) Whoever, in contravention of the law:
  - a) enters, against the wishes of the lawful occupant, a house, premises, boat or any other place used for living in, or a restricted area abutting on a house or dwelling, or a garden or any other private property; or
  - b) forcibly enters without permission the premises, offices, storehouse or yards of an undertaking, company or body corporate, even though not inhabited; or
  - c) having entered without opposition from or with the permission of the lawful occupant, remains there when called upon by him to leave,is punishable with simple imprisonment not exceeding three years, or fine.
- (2) Where the violation is committed by a public servant who is not authorized to take such action, or who does so in violation of legal safeguards and formalities, the special provision (Art. 422) shall apply.

### **Article 605.- Aggravation to the Crime.**

Where the crime is committed;

- a) by carrying weapons, making use of threats or resorting to violence; or
- b) by a group of persons acting in common; or
- c) between the hours of six PM and six AM, unless otherwise authorized by law; or
- d) by a person holding himself on to be a public servant or official,

the punishment shall be rigorous imprisonment not exceeding five years.

### **Article 606.- Violation of the Privacy of Correspondence or Consignments.**

(1) Whoever, without lawful authority:

- a) deliberately learns about the contents of or opens a business or private closed or open letter, envelope or correspondence, or accesses electronic, telegram, telephone or telecommunication correspondence, commercial or private closed letter or envelope, or a packet, a sealed parcel or any consignment, which is not his; or
- b) having learned of certain facts by opening, even by mistake or negligence, such a closed envelope or parcel not addressed to him, divulges such facts or derives a gain therefrom,

is punishable, upon complaint, with a fine not exceeding one thousand Birr, or according to the circumstances of the case, with simple imprisonment not exceeding three months.

- (2) Whoever intentionally and unlawfully intercepts, destroys, retains or diverts from their true destination such correspondence or packages, is punishable upon accusation with simple imprisonment not exceeding six months, where his act does not constitute a specific crime punishable more severely.
- (3) Nothing shall affect the provisions relating to breach of official secrecy, unlawful disposal of objects in charge and appropriation and misappropriation in the discharge of duties by public servants (Arts.397, 412 and 413).

## **TITLE III CRIMES AGAINST HONOUR**

### **CHAPTER I GENERAL PROVISIONS**

### **Article 607.- Principle.**

- (1) Crimes against honour or reputation, committed in one of the forms specified in the following Articles, are punishable no

matter what the rank or social status of the criminal or of the injured party.

They may be committed against individuals, or juridical persons. In the case of individuals, they may be committed equally against living persons, deceased persons or against persons declared absent.

- (2) In determining the punishment for the different crimes, the Court shall take into account the gravity of the crime, the position of the injured party and the extent of the publicity or circulation involved in the crime.

#### **Article 608.- Means of Commission.**

Injury to honour, direct or indirect, can be committed whether by word of mouth or by sound, in writing, by image, drawing, sign behaviour or gesture or by any other means or other way whatsoever.

Indirect means of crime or circulation by any process of recording reproduction, emission, communication or projection, graphical, visual or aural, rank with natural and direct means.

#### **Article 60S.- Punishment to be imposed where the Crime is Committed by Juridical Persons.**

- (1) The punishment to be imposed shall be a fine where the crime is committed by a juridical person.
- (2) The penalty to be inflicted upon the juridical person under sub-article (1) shall not prevent the punishment of its directors, managers, inspectors, agents, proxies or members who are proved to have committed a crime of the same kind personally.

#### **Article 610.- Compensation.**

- (1) Damages for the material or moral injury done to the injured party, shall be fixed by the Court in accordance with the general provisions (Art. 101), having regard to the gravity and extent of the crime and to the positions of the criminal and the injured party.
- (2) The moral reparation ordered by the Court, especially in the form of publication of the judgment, of a part thereof or of its operative part (Art. 155), shall be determined in the light of the same considerations, and shall be adapted to the degree of protection called for in each specific case.

#### **Article 611.- Immunity.**

Members of the constitutionally established legislature, executive or judiciary are not susceptible to legal proceedings on the ground of injury to honour done by information or statements, correct as to form, given or made by them in conformity with their duties and in the regular discharge of their duties.

#### **Article 612.- Non-Punishable Comment and Averments**

The following are not punishable as injury to honour:

- a) considered opinions and well-founded criticism, couched in proper and moderate terms, concerning personal aptitudes or artistic, literary, scientific, professional or social activities, creations or productions; or
- b) averments, statements or comments uttered or repeated by a public servant or by an advocate or attorney, by an expert or witness, by a journalist or by any other person acting in good faith in the discharge of his duties, especially by way of investigations, reports or depositions, in the defence before court or before the administrative authorities, or by way of authorized public information service, where the alleged facts are germane to and remain within the confines thereof and where they are not uttered with express intent to discredit.

### **CHAPTET II SPECIAL PROVISIONS; INJURY TO HONOUR**

#### **Article 613.- Defamation and Calumny.**

- (1) Whoever, addressing a third party, imputes to another, with the intent to injure his honour or reputation, an act, a fact or a conduct, where the allegation accords with the truth,

is punishable, upon complaint, with simple imprisonment not exceeding six months, or fine.

Statements made concerning a crime of which a person has been found guilty, has duly served the sentence or has been granted pardon or amnesty, with intent to injure his honour or reputation, shall be considered as defamation and are punishable under the preceding Article.

- (2) Where the defamatory imputations or allegations constituting the injury to honour or reputation are false and are uttered or spread with knowledge of their falsity, the criminal is punishable upon complaint, for calumny with simple imprisonment for not less than one month, and fine.
- (3) Where the criminal has acted with deliberate intent to ruin the victim's reputation,

he shall be punished, upon complaint, with simple imprisonment for not less than three months, and fine.

- (4) Where the imputation or allegation is false and made negligently, it is punishable, upon complaint, with simple imprisonment not exceeding one year, or fine.
- (5) False accusation or denunciation to the authorities is punishable under the special provision (Art. 447), and is not liable to any concurrent penalty.

**Article 614.- Truthful Assertions and safeguarding of Higher Interest Excepted.**

- (1) A person charged with defamation cannot in general plead in defence that he acted without intent to injure, or that he confined himself to repeating even though not believing them, allegations emanating from another, or that it was a matter of common knowledge, or that he uttered suspicions or conjectures.
- (2) Where the criminal commits the act by uttering or expressing the truth, or having sufficient ground to believe that it is true, he shall not be liable to punishment if he can prove that
  - a) he did not have the intention to injure the honour or reputation of another; or
  - b) he acted in the public interest or he was actuated by a higher interest or moral aim.
- (3) Where the criminal is convicted of calumny, he may in no case exculpate himself by invoking public or higher interest.

**Article 615.- Insulting Behaviour and Outrage.**

Except in cases where it is punishable as a petty offence (Art. 844), anyone directly addressing the victim, or referring to him, offends him in his honour by insult or injury, or outrages him by gesture or in any other manner,

is punishable, upon complaint, with simple imprisonment not exceeding three months, or fine not exceeding three hundred Birr.

**Article 616.- Provocation and Retaliation**

- (1) The Court may impose no punishment where a person charged with insulting behaviour or outrage has been provoked or carried away by an attitude, conduct or acts, even towards a third party, which are manifestly so shocking, offensive or reprehensible as to make his act excusable.



- (2) Where the injured party has at once replied to an insult or outrage in kind, the Court may, according to the circumstances, exempt from punishment both criminate or one of them.

**Article 617.- Withdrawal and Repentance.**

- (1) Where, during proceedings, a person charged with an injury to honour withdraws his allegations and expresses his regrets, either in writing or orally before the Court, the Court may mitigate the penalty (Art. 179).
- (2) The Court shall in all cases deliver formal attestation of the withdrawal to the interested party, for all appropriate purposes.

**Article 618.- Special Cases Aggravating the Crime.**

- (1) Where the defamation or calumny, insult or outrage, has been deliberately committed against a public servant in the discharge of his official duty, or in relation thereto, the criminal is punishable, upon complaint:
  - a) with simple imprisonment not exceeding six months, and fine not exceeding one thousand Birr in cases of insult or outrage;
  - b) with simple imprisonment from one month to one year, and fine in cases of defamation; or
  - c) with simple imprisonment for not less than three months, and fine in cases of calumny; or
  - d) with simple imprisonment for not less than six months, and fine, in cases of deliberate act to ruin the victim's reputation.
- (2) Nothing in this Article shall affect the special provisions relating to injury to the honour of the State (Art. 244), to insults to foreign States and inter-State institutions (Art. 264 and 266), to insults to a military superior (Art. 297) and to contempt of Court (Art.449).

**Article 619.- Proceedings in Respect of Injury to the Honour of Absent or Deceased Persons.**

- (1) Where any of the injuries to honour punishable under this Chapter relates to a deceased person or to a person legally declared absent, the right to lodge a complaint lies exclusively with his descendants, natural or adopted, and with his spouse, or, in their default, with his ascendants, natural or legal, and with his brothers and sisters.
- (2) Limitation of the action, in respect of injury to private honour, is regulated by the general provisions.

Where the allegations constituting the injury to the memory of the person affected refer to a public activity of any kind which has passed into the historical, artistic, literary or scientific

domain, the complaint shall not be admissible if, at the time when the incriminating act is committed, at least thirty years have passed since the death of the injured person or since he was legally declared absent.

**TITLE IV  
CRIMES AGAINST MORALS AND THE FAMILY**

**CHAPTER I  
CRIMES AGAINST MORAL**

**Section I.- Injury to Sexual Liberty and Chastity**

**Article 620.- Rape.**

- (1) Whoever compels a woman to submit to sexual intercourse outside wedlock, whether by the use of violence or grave intimidation, or after having rendered her unconscious or incapable of resistance,

is punishable with rigorous imprisonment from five years to fifteen years.

- (2) Where the crime is committed:

- a) on a young woman between thirteen and eighteen years of age; or
- b) on an inmate of an alms-house or asylum or any establishment of health, education, correction, detention or internment which is under the direction, supervision or authority of the accused person, or on anyone who is under the supervision or control of or dependant upon him; or
- c) on a woman incapable of understanding the nature or consequences of the act, or of resisting the act, due to old-age, physical or mental illness, depression or any other reason; or
- d) by a number of men acting in concert, or by subjecting the victim to act of cruelty or sadism,

the punishment shall be rigorous imprisonment from five years to twenty years.

- (3) Where the rape has caused grave physical or mental injury or death, the punishment shall be life imprisonment.
- (4) Where the rape is related to illegal restraint or abduction of the victim, or where communicable disease has been transmitted to her, the relevant provisions of this Code shall apply concurrently.

**Article 621.- Compelling a Man to Sexual Intercourse.**

A woman who compels a man to sexual intercourse with herself, is punishable with rigorous imprisonment not exceeding five years.

**Article 622.- Sexual Outrages Accompanied by Violence.**

Whoever, by the use of violence or grave intimidation, or after having in any other way rendered his victim incapable of offering resistance, compels a person of the opposite sex, to perform or to submit to an act corresponding to the sexual act, or any other indecent act,

is punishable with simple imprisonment for not less than one year, or rigorous imprisonment not exceeding ten years.

**Article 623.- Sexual Outrages on Unconscious or Deluded. Persons, or on Persons Incapable of Resisting.**

Whoever, knowing of his victim's incapacity, but without using violence or intimidation, performs sexual intercourse, or commits a like or any other indecent act, with an idiot, with a feeble-minded or retarded, insane or unconscious person, or with a person who is for any other reason incapable of understanding the nature or consequences of the act,

is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding fifteen years.

**Article 624.- Sexual Outrages on Persons in Hospital, Interned or Under Detention.**

Whoever, by taking advantage of his position, office or state, has sexual intercourse or performs an act corresponding to the sexual act or any other indecent act with an inmate of a hospital, an alms-house or an asylum, or any establishment of education, correction, internment or detention, who is under his direction, supervision or authority,

is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding fifteen years.

**Article 625.- Taking Advantage of the Distress or Dependence of a Woman.**

Whoever, apart from the cases specified in the preceding Article, procures from a woman sexual intercourse or any other indecent act by taking advantage of her material or mental distress or of the authority he exercises over her by virtue of his position, function or capacity as protector, teacher, master or employer, or by virtue of any other like relationship,

is punishable, upon complaint, with simple imprisonment.

**Article 626.- Sexual Outrages on Minors between the Ages of Thirteen and Eighteen Years.**

- (1) Whoever performs sexual intercourse with a minor of the opposite sex, who is between the ages of thirteen and eighteen years, or causes her to perform such an act with her,

is punishable with rigorous imprisonment from three years to fifteen years.

- (2) A woman who causes a male minor between the ages of thirteen and eighteen years, to perform sexual intercourse with her,

is punishable with rigorous imprisonment not exceeding seven years.

- (3) Whoever performs an act corresponding to the sexual act or any other indecent act upon a minor, of the opposite sex who is between the ages of thirteen and eighteen years, induces him to perform such an act, or deliberately performs such an act in his presence,

is punishable with simple imprisonment not less than three months or with rigorous imprisonment not exceeding five years.

- (4) Where the victim is the pupil, apprentice, domestic servant or ward of the criminal, or a child entrusted to his custody or care, or in any other way directly dependant upon or subordinate to him, the punishment shall be:

- a) with rigorous imprisonment from five years to twenty years in respect of the crime specified in sub-article" (1) above;
- b) with rigorous imprisonment from three years to ten years in respect of the crime specified in sub-article (2) above; or
- c) with rigorous imprisonment not exceeding seven years in respect of the crime specified in sub-article (3) above.

- (5) Where the sexual outrage has caused grave bodily or mental injury to or death of the victim, the relevant provision of this Code shall apply concurrently.

**Article 627.- Sexual Outrages Committed on Infants.**

- (1) Whoever performs sexual intercourse with a minor of the opposite sex, who is under the age of thirteen years, or causes her to perform such an act with her,

is punishable with rigorous imprisonment from thirteen years to twenty-five years.

- (2) A woman who causes a male minor under the age of thirteen years, to perform sexual intercourse with her,

is punishable with rigorous imprisonment not exceeding ten years.

- (3) Whoever performs an act corresponding to the sexual act or any other indecent act upon a minor, of the opposite sex who is under age of thirteen years, induces him to perform such an act, or deliberately performs such an act in his presence,

is punishable with rigorous imprisonment not exceeding ten years.

- (4) Where the victim is the pupil, apprentice, domestic servant or ward of the criminal, or a child entrusted to his custody or care, or in any other way directly dependant upon or subordinate to him,

a) in respect of the crime prescribed in sub-article (1) above the punishment shall be more severe on such a person than when it is committed by other persons;

b) in respect of the crime prescribed in sub-article (2) above the punishment shall be rigorous imprisonment from three years to fifteen years.

c) in respect of the crime prescribed in sub-article (3) above the punishment shall be rigorous imprisonment from three years to fifteen years.

- (5) Where the sexual outrage has caused grave bodily or mental injury to or death of the victim, the punishment shall be rigorous imprisonment for life.

#### **Article 628.- Other Grounds Aggravating the Crime.**

In all cases involving rape or sexual outrage (Arts. 620-627), the punishment shall be rigorous imprisonment from five years to twenty-five years, where the relevant provision does not prescribe a more severe penalty:

a) where the victim becomes pregnant; or

b) where the criminal transmits to the victim a venereal disease with which he knows himself to be infected; or

c) where the victim is driven to suicide by distress, anxiety, shame or despair.

### **Section II.- SEXUAL DEVIATIONS**

#### **Article 629.- Homosexual and other Indecent Acts.**

Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment.

### **Article 630.- General Aggravation to the Crime.**

- (1) The punishment shall be simple imprisonment for not less than one year, or, in grave cases, rigorous imprisonment not exceeding ten years, where the criminal:
  - a) takes unfair advantage of the material or mental distress of another or of the authority he exercises over another by virtue of his position, office or capacity as guardian, tutor, protector, teacher, master or employer, or by virtue of any other like relationship, to cause such other person to perform or to submit to such an act; or
  - b) makes a profession of such activities within the meaning of the law (Art. 92).
- (2) The punishment shall be rigorous imprisonment from three years to fifteen years, where:
  - a) the criminal uses violence, intimidation or coercion, trickery or fraud, or takes unfair advantage of the victim's inability to offer resistance or to defend himself or of his feeble-mindedness or unconsciousness; or
  - b) the criminal subjects his victim to acts of cruelty or sadism, or transmits to him a venereal disease with which he knows himself to be infected; or
  - c) the victim is driven to suicide by distress, shame or despair.

### **Article 631.- Homosexual and Other Indecent Acts Performed on Minors.**

- (1) Whoever performs a homosexual act on a minor, is punishable:
  - a) with rigorous imprisonment from three years to fifteen years, where the victim is between the ages of thirteen and eighteen years; or
  - b) with rigorous imprisonment from fifteen years to twenty-five years, where the victim is below thirteen years of age.
- (2) A woman who performs a homosexual act on a female minor, is punishable with rigorous imprisonment not exceeding ten years.
- (3) Whoever performs any other indecent act on a minor of the same sex, is punishable with simple imprisonment.
- (4) Where the victim is the pupil, apprentice, domestic servant or ward of the criminal, or a child entrusted to his custody or care, or in any other way directly dependant upon or subordinate to him:
  - a) in the case of sub-article (1) the punishment to , be imposed upon such criminal shall be more severe than when the crime is committed by another person;
  - b) b) in the case of sub-article (2) the punishment shall be rigorous imprisonment from three years to ten years;

- c) in the case of sub-article (3) the punishment shall be simple imprisonment for not less than six months.
- (5) Where the sexual outrage has caused death or grave physical or mental injury upon the victim, or where the victim is driven to suicide by distress, shame or despair, the punishment shall be rigorous imprisonment for life.

**Article 632.- Participation of a Juridical Person in Sexual Outrages Committed on Minors.**

Where an official or employee of a juridical person or any other person commits one of the crimes in the provision of Articles 626-628 and 631 on a minor living in an institution established for the purpose of upbringing, educating, training or in any other way taking care of children, and where the operation or administration of such juridical person has created a favourable condition for the commission of such crimes, or where the crime is committed because the juridical person has not provided sufficient safeguard, the juridical person shall be punishable in accordance with Article 90 of this Code according to the kind and gravity of each crime.

**Article 633.- Sexual Intercourse with an Animal.**

Whoever performs sexual intercourse with an animal, is punishable with simple imprisonment.

**Section III.- EXPLOITATION OF THE IMMORALITY OF OTHERS**

**Article 634.- Habitual Exploitation for Pecuniary Gain.**

Whoever, for gain, makes a profession of or lives by procuring or on the prostitution or immorality of another, or maintains, as a landlord or keeper, a brothel, is punishable with simple imprisonment and fine.

**Article 635.- Traffic in Women and Minors.**

Whoever, for gain, or to gratify the passions of another:

- a) traffics in women or minors, whether by seducing them, by enticing them, or by procuring them or otherwise inducing them to engage in prostitution, even with their consent; or
- b) keeps such a person in a brothel to let him out to prostitution,

is punishable with rigorous imprisonment not exceeding five years, and fine not exceeding ten thousand Birr, subject to the application of more severe provisions, especially where there is concurrent illegal restraint.

**Article 636.- Aggravation to the Crime.**

In cases of professional procuring or traffic in persons, rigorous imprisonment shall be from three years to ten years, and the fine shall not exceed twenty thousand Birr where:

- a) the victim is a minor; or
- b) the victim is the wife or a descendant criminal, his adopted child or the child of his spouse, his brother or his sister, or his ward, or where the victim has been entrusted, on any ground whatsoever, to his custody or care; or
- c) the criminal has taken unfair advantage of the material or mental distress of his victim, or of his position as protector, employer, teacher, landlord or creditor, or of any other like situation; or
- d) the criminal has made use of trickery, fraud, violence, intimidation, coercion, or where he has misused his authority over the victim; or
- e) the victim is intended for a professional procurer, or has been taken abroad or where the victim's whereabouts or place of abode cannot be established; or
- f) the victim has been driven to suicide by shame, distress or despair.

**Article 637.- Organization of Traffic in Women and Minors.**

Whoever makes arrangements or provisions of any kind for the procurement of or traffic in women or minors,

is punishable with simple imprisonment, or according to the circumstances of the case, especially where a professional procurer is involved or where the arrangements are fully made and intended to apply to many victims, with rigorous imprisonment not exceeding three years, and a fine which shall be not less than five hundred Birr in grave cases.

**Article 638.- Criminal Liability of a Juridical Person.**

Where a juridical person takes part in the crimes specified in this Section, it shall be punishable in accordance with Article 90(3) of this Code, depending on the nature of the crime and the circumstances of the case.

**Section IV.- CRIMES TENDING TO CORRUPT MORALS**

**Article 639.- Public Indecency and Outrages against Morals.**

- (1) Whoever, in a public place or in sight of the public, deliberately performs the sexual act or any other obscene act or gesture grossly offensive to decency or morals,

is punishable with simple imprisonment from three months to one year, or fine not exceeding one thousand Birr.



- (2) Where the criminal has knowingly performed the act in the presence of a minor, the punishment shall be simple imprisonment from six months to five years.

**Article 640.- Obscene or Indecent Publications.**

(1) Whoever:

- a) makes, imports or exports, transports, receives, possesses, displays in public, offers for sale or hires, distributes or circulates writings, images, posters, films or other objects which are obscene or grossly indecent, or in any other way traffics or trades in them; or
- b) advertises, indicates or makes known, by any means, how or from whom such objects may be procured or circulated, either directly or indirectly,

is punishable with simple imprisonment for not less than six months, and fine, without prejudice to the forfeiture and destruction of the incriminating material.

(2) Simple imprisonment shall be for not less than one year, and the fine shall not exceed ten thousand Birr, where the criminal:

- a) habitually engages in or carries on such traffic;
- b) knowingly exhibits, hands over or delivers such objects to a minor; or
- c) for this purpose displays a simulation of sexual intercourse by minors or exhibits their genitals,

**Article 641.- Obscene or Indecent Performances.**

The punishments specified in the preceding Article are applicable to anyone who organizes or gives public auditions or performances, in a theatre or in a cinema, by projection or by radio or television broadcast, by video, or in any other way, which are obscene or grossly indecent.

**Article 642.- Lawful Works.**

Works or objects purely artistic, literary or scientific in character, which are not calculated to inflame erotic feelings or lust, are not held to be obscene or indecent.

**Article 643.- Indecent Publicity and Advertisements.**

(1) Whoever displays in public indecent or immoral objects, products or works,

is punishable with simple imprisonment for not less than one month, and fine.

(2) Whoever sends by any means such things to persons not having solicited them or having no professional interest in them,

is punishable, upon complaint, with a fine not exceeding five hundred Birr, or with simple imprisonment.

#### **Article 644.- Protection of Minors.**

Whoever, for gain or to provoke:

- a) publicly displays by video, or in a shop window, in a booth or in any other place visible from without, writings, images or objects such as to stimulate unduly, to pervert or to misdirect the sexual instinct, or to arouse or to stimulate unduly brutal or bloodthirsty instincts, or anti-social feelings or feelings which are inimical to the family spirit, in minors; or
- b) knowingly offers, lends, gives or sells such objects, images or writings to a minor,

is punishable with simple imprisonment from six months to three years, and fine, without prejudice to the forfeiture of the incriminating material where appropriate.

#### **Article 645.- Criminal Liability of a Juridical Person.**

Where a juridical person takes part in the crimes specified in this Section, it shall be punishable in accordance with Article 90(3) of this Code, depending on the nature of the crime and the circumstances of the case.

### **CHAPTER II CRIMES AGAINST THE FAMILY**

#### **Section I.- CRIMES AGAINST THE INSTITUTION OF MARRIAGE**

##### **Article 646.- Fraud and Deceit in Marriage.**

- (1) Whoever intentionally, in contracting or in order to contract a marriage, conceals from his spouse a fact that would annul or invalidate the marriage on one of the grounds specified by law,

is punishable with simple imprisonment not exceeding two years, or fine not exceeding five thousand Birr.

- (2) Whoever procures a marriage by means of intentional misrepresentation, error, fraud or deceit in respect of his identity,

is punishable, upon complaint, with simple imprisonment not exceeding one year, or fine not exceeding one thousand Birr.

**Article 647.- Solemnizing or Contracting an Unlawful Marriage.**

(1) Whoever intentionally solemnizes a marriage forbidden by law, is punishable with simple imprisonment not exceeding three years, or fine not exceeding five thousand Birr.

(2) Whoever contracts, permits or becomes a witness to a marriage forbidden by law, is punishable under the provisions of sub-article (1) of this Article.

(3) Where the crime specified under sub-article (1) or (2) of this Article is committed negligently, the punishment shall be simple imprisonment not exceeding three months, or fine.

**Article 648.- Early Marriage.**

Whoever concludes marriage with a minor apart from circumstances permitted by relevant Family Code is punishable with:

- a) rigorous imprisonment not exceeding three years, where the age of the victim is thirteen years or above; or
- b) rigorous imprisonment not exceeding seven years, where the age of the victim is below thirteen years.

**Article 649.- Where Solemnization or Conclusion of an Unlawful Marriage is not Punishable.**

No proceedings may be instituted under Article 646 or 647, unless the marriage has been annulled.

**Article 650.- Bigamy.**

(1) Whoever, being tied by the bond of a valid marriage, intentionally contracts another marriage before the first union has been dissolved or annulled,

is punishable with simple imprisonment, or, in grave cases, and especially where the criminal has knowingly misled his partner in the second union as to his true state, with rigorous imprisonment not exceeding five years.

- (2) Any unmarried person who marries another he knows to be tied by the bond of an existing marriage, is punishable with simple imprisonment.
- (3) Limitation of criminal proceedings is suspended until such time as one of the two marriages shall have been dissolved or annulled.

**Article 651.- Exception.**

The preceding Article shall not apply where bigamy is committed in conformity with religious or traditional practices recognized by law.

**Article 652.- Adultery.**

- (1) A spouse bound by a union recognized under civil law who commits adultery,

is punishable, upon complaint by the injured spouse, with simple imprisonment or fine.

The same punishment shall apply to the partner who commits adultery with a person whom he knows to have a valid marriage.

Where the complainant has provoked the adultery consented to it, condoned it or derived profit from it no proceedings shall follow.

- (2) The Court may mitigate the punishment (Art. 180) where, at the time at which the adultery was committed, the two spouses had already ceased to cohabit.
- (3) Where the criminal installs a concubine in the conjugal home while not divorced or abandoned by his spouse, simple imprisonment shall be for not less than three months.

**Article 653.- Death of Complainant.**

Where the injured party dies before lodging his complaint, the criminal shall not be subject to criminal liability.

Where criminal proceedings have been instituted upon complaint and where the criminal has been sentenced to imprisonment, the Court may, whether the victim has died or not, order the termination of the punishment or deprivation of liberty by a decision stating the reasons thereof, where the circumstances, especially the convicted person's liabilities as head of a family or as the person supporting it, justify such a course.

**SECTION II.- SEXUAL CRIMES BETWEEN RELATIVES**

**Article 654.- Incest.**

Performance of the sexual act, intentionally, between persons whose marriage is forbidden by the relevant law on the grounds of blood relationship,

is punishable, according to the circumstances, and without prejudice to the deprivation of family rights of the criminal, with simple imprisonment for not less than three months, or with rigorous imprisonment not exceeding three years.

**Article 655.- Indecent Behavior between Relatives.**

Acts corresponding to the sexual act or other indecent acts between persons related by blood, are punishable with simple imprisonment not exceeding six months.

**Section III.- CRIMES AGAINST COMPULSORY REGISTRATION AND FAMILY DUTIES**

**Article 656.- Omission to Register the Birth of an Infant or to Report its Abandonment.**

(1) Whoever fails to declare the birth of an infant, as prescribed by law, to the officer of civil status,

**is punishable with a fine not exceeding five hundred Birr, or simple imprisonment not exceeding one month.**

(2) Whoever, finding a newborn infant abandoned, fails to report it to the appropriate authority, is liable to the same punishment.

**Article 657.- False Registration, Supposition and Substitution of Infants.**

(1) Whoever suppresses or falsifies a fact to be entered into the register of the civil status of another, especially by registering or causing to be registered a false declaration concerning the identity or birth of an infant,

is punishable with simple imprisonment.

(2) In cases entailing or likely to entail grave foreseeable consequences, especially in the case of registration by substituting one infant for another,

**the punishment shall be rigorous imprisonment not exceeding five years.**

**Article 658.- Failure to Maintain.**

Whoever, without good cause:

- a) refuses or omits to provide maintenance which he owes, by virtue of law, to entitled persons, even to a spouse who brought action for divorce, until such divorce is pronounced; or
- b) fails to meet the financial obligations he has incurred, by virtue of law or formal undertaking, towards a woman whom he has made pregnant out of wedlock, or towards a person with whom he has lived in an irregular union, is punishable, upon complaint, with fine, or with simple imprisonment not exceeding six months.

**Article 659.- Failure to Bring up.**

- (1) A parent or other person exercising the authority of guardian or tutor, who, for gain or in dereliction of his duty;
  - a) grossly neglects the children under his charge and abandons them without due care and attention or to moral or physical danger; or
  - b) entrusts a child for a long time to a person, an organization or an institution with whom or where he knows, or could have foreseen, that it will be reduced to physical or moral destitution, or will be physically or psychologically endangered,

is punishable with simple imprisonment or fine. In grave cases, the Court may in addition deprive the criminal of his family rights.

- (2) Where the child has suffered injury, whether foreseen or calculated, whether by abuse of the right to administer chastisement or through ill-treatment, the relevant provision in this Code shall apply concurrently (Art. 63).

**CHAPTER III  
COMMON PROVISIONS**

**Article 660.- Concurrence of Crimes.**

- (1) In cases where crimes against the institution of marriage (Arts. 648, 649 or 652), and those against kinship (Art. 654), are committed simultaneously, the relevant provisions shall apply concurrently.
- (2) Where crime against sexual liberty (Arts. 620 and 621, 623 - 626, 628 and 639) is committed simultaneously with the crime against kinship (Art. 654), the relevant provisions shall apply concurrently.
- (3) In cases where a crime of indecent behaviour between relatives (Art, 655), is committed simultaneously with a crime against chastity (Arts. 622 - 625, 627 and 628, 629-631, and 639), the relevant provisions shall apply concurrently.

**Article 661.- Criminal Liability of a Minor.**

- (1) Where the victim to sexual outrage, to an act against chastity or to an unnatural carnal crime is a minor, he shall not be liable to punishment. Appropriate measures for his proper upbringing and protection may be applied.
- (2) The general provisions of this Code (Arts. 52-56) shall apply to a minor who commits a crime against other persons.

**BOOK VI  
CRIMES AGAINST PROPERTY**

**TITLE I  
CRIMES AGAINST RIGHTS IN PROPERTY**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 662.- Principles.**

- (1) Any interference with property and economic rights or rights capable of being calculated in money forming a part of the property of another shall be punished in accordance with the following provisions, except where the interference is of such minor importance as to be subject to the provisions and sanctions regarding petty offences.
- (2) State, public and private properties are protected under this Code.  
Damage to rights in property within the meaning of this Code is constituted by any injury or prejudice suffered in comparison with the normal situation in the absence of the crime.

**Article 663.- Presumption of Unlawful or Unjustifiable Enrichment.**

- (1) Where the law requires, in order that there be a crime, that the criminal shall have acted with intent to obtain for himself or to procure for a third person an unlawful enrichment, there is a presumption that the act was done in order to obtain or procure a benefit or an unjustifiable advantage.
- (2) In such event, the crime is completed from the time when such special intent, joined to the material elements, is proved, notwithstanding that the intended enrichment has not taken place. Repayment or the making good of the damage, even if unsolicited, after such time, does not vitiate the crime, but the Court may take account thereof in determining the sentence (Art. 79 (e)).

**Article 664.- Proceedings in the Event of a Crime within the Family.**

- (1) Except in the cases of crimes involving violence or coercion, such as robbery, extortion or blackmail, where a crime has been committed:
  - a) between an ascendant and a descendant, natural or adoptive, between spouses not separated, between a step-parent and step-child while the marriage exists, between siblings of the whole blood or of the half blood; or
  - b) b) by relatives living with the victim, proceedings may only be taken upon the complaint of the victim.
- (2) The absence of a complaint by the victim shall not act as a bar to proceedings against participants in a crime not covered by the personal relations as defined above (Art. 41).

### **CHAPTER III**

#### **CRIMES AGAINST RIGHTS IN PROPERTY**

##### **Section I.- CRIMES INVOLVING FRAUD**

###### **Article 692.- Fraudulent Misrepresentation.**

- (1) Whoever, with intent to obtain for himself or to procure for a third person an unlawful enrichment, fraudulently causes a person to act in a manner prejudicial to his rights in property, or those of a third person, whether such acts are of commission or omission, either by misleading statements, or by misrepresenting his status or situation or by concealing facts which he had a duty to reveal, or by taking advantage of the person's erroneous beliefs,

is punishable with simple imprisonment, or, according to the gravity of the case, with rigorous imprisonment not exceeding five years, and fine.

- (2) Petty deceit in order to obtain an unjustifiable enrichment, such as filching and the fraudulent obtaining of benefits is liable to the punishments regarding petty offences (Art. 858 and 859).

###### **Article 693.- Drawing of Cheque without Cover.**

- (1) Whoever intentionally draws a cheque without cover or knows that there will not be full cover at the time of presentment for payment,  
is punishable with simple imprisonment, or according to the gravity of the case, with rigorous imprisonment not exceeding ten years, and fine.
- (2) Where the act is committed negligently, the punishment shall be fine, or simple imprisonment not exceeding one year.



**Article 694.- Fraudulent Manipulation of Stock Exchange Transactions.**

Whoever, through the facility of a stock exchange market or other market, with intent to create a false or misleading appearance of active public trading in a security or with respect to the market price of a security:

- a) effects a transaction in the security that involves no change in the beneficial ownership thereof; or
- b) enters an order for the purchase of the security, knowing that the security has been purchased by the same or different persons at substantially the same size, at substantially the same time, at substantially the same price, or an order for such purchase of the security has been or will be entered by or for the same or different persons; or
- c) enters an order for the sale of the security, knowing that the security has been sold by the same or different persons at substantially the same size, at substantially the same time, at substantially the same price or an order for such sale of the security has been or will be entered by or for the same or different persons,

is punishable with simple imprisonment, or, in serious cases, with rigorous imprisonment not exceeding five years.

**Article 695.- Gaming in Stocks or Merchandise.**

Whoever, with intent to make gain or profit by the rise or fall in price of the stock goods or merchandise of a registered or unregistered company or other undertaking, whether in or outside the country, makes or signs any contract, oral or written, purporting to be for the sale or purchase of shares of stocks, goods or merchandise, without the bona fide intention of acquiring or selling such things,

is punishable with simple imprisonment, or, in serious cases, with rigorous imprisonment not exceeding five years.

**Article 696.- Aggravated Fraudulent is representation.**

The punishment shall be rigorous imprisonment not exceeding fifteen years, and fine not exceeding fifty thousand Birr:

- a) where (he criminal enjoys a position of trust as defined in Article 676(1) and (2)(a); or
- b) where the criminal issues an offer for public subscription, or sells for himself, for his own organization or for an organization in which he is a shareholder shares, debentures, bonds or security of any kind in an association, banking or commercial organization, stock market or industrial firm; or
- c) where the crime is committed against public administrations or services.

**Article 697.- Other Crimes.**

Where there is a crime, other than those mentioned above, defined in a proclamation or regulation relating to shares, merchandise, documents, bonds or securities of any kind,

the punishment shall, unless otherwise be provided, simple imprisonment, or, in serious cases, rigorous imprisonment not exceeding five years.

**Article 698.- Fraudulent Acts Relating to Insurance.**

(1) Whoever, with intent to obtain for himself or to procure for a third person an unlawful enrichment, deceives an insurance company:

- a) by creating the risk insured; or
- b) by concealing, misrepresenting, affirming or falsely declaring a fact relating to the amount, duration or beneficiaries of the insurance, in a manner affecting the interest stated in the contract, or
- c) in any other way commits a fraudulent act in connection with insurance activity,

is punishable with simple imprisonment, or, in more serious cases, with rigorous imprisonment not exceeding five years, and fine not exceeding fifty thousand Birr.

(2) Where a juridical person commits the crime it shall be punishable in accordance with the provisions of Article 90 of this Code.

**Article 699.- Misrepresentation by Forgery.**

Where there is misrepresentation, of any kind, committed by means of a forgery, the relevant provisions shall apply concurrently.

**Article 700.- Misrepresentation by Fraudulent Exploitation of Public Credulity.**

(1) Whoever, for gain, deceives another by means such as invoking spirits, magic or sorcery, consulting horoscopes or astrology, by interpretation of dreams, soothsaying, chiromancy, divining or by any other means of exploiting human credulity,

is punishable, upon complaint, with fine, or in the event of repetition of the crime, with simple imprisonment, or, in serious cases, with rigorous imprisonment not exceeding five years, where the case does not fall under the provisions regarding petty offences (Art. 861).

- (2) Where the deceit is committed in the manner stipulated under Article 692, the punishment prescribed under the specified provision shall apply.

**Article 701.- Other Fraudulent Acts.**

- (1) Whoever collects money or material things by falsely claiming to have contracted a serious disease or deficiency, or alleging to have sustained grave physical or psychological injury or pecuniary or other material loss, or by using any other fraudulent means appealing to the compassionate feelings of others, is punishable, according to the circumstances of the case, with simple imprisonment and fine, or with rigorous imprisonment not exceeding five years and fine.
- (2) Whoever employs another as a means of obtaining advantage through beggary by misrepresenting to the public that the said person is in one of the predicaments specified in the above sub-article, and collects money or other material things from individuals or the public on the pretext of supporting the person, shall be liable to the punishment prescribed in sub-article (1) above.
- (3) Whoever, by inflicting injury upon another, employs him for the purpose specified in sub-article (2) above,  
is punishable with rigorous imprisonment from three years to ten years, and fine.

Nothing in this sub-article shall prevent the concurrent application of the provisions on causing injuries to persons (Art, 548 and 549).

- (4) Whoever collects with or without authorization by law or by the competent authority, any money or other material things from individuals or the public for political, religious, cultural, social, humanitarian or other purpose, and improperly disposes of such things in whole or in part outside the purpose for which they are collected,

is punishable with rigorous imprisonment not exceeding ten years, and fine not exceeding thirty thousand Birr, without prejudice to the provisions of Article 862 of this Code concerning Unauthorized Collection.

- (5) Where a juridical person participates in the commission of one of the crimes specified under sub-article (2), (3), or (4) of this Article, it shall be punishable in accordance with Article 90 of this Code.

**Article 702.- Mismanagement of Private Interests.**

- (1) Whoever, being legally or contractually bound to watch over or to manage the property rights of another, intentionally causes prejudice to such property interest he watches over or to the service he renders to the undertaking he works for by misusing his powers or by failing in his duties,

**is punishable with simple imprisonment or fine.**

- (2) Where the act is committed negligently, the punishment shall be fine, or simple imprisonment not exceeding six months.
- (3) Where the criminal has committed the crime with intent to obtain for himself or to procure for another a benefit in property, the punishment shall be simple imprisonment for not less than one year, and a fine not exceeding thirty thousand Birr.

**Article 703.- Aggravated Cases.**

- (1) Where the crime has been committed:
  - a) by a tutor, an advocate, a notary, a banker, a curator or a liquidator, or by any other person invested with an official status, or deserving a special confidence; or
  - b) against State or public property,  
the punishment shall be rigorous imprisonment not exceeding ten years, and fine not exceeding fifty thousand Birr.
- (2) Where the criminal solicits or accepts any kind of advantage from another in consideration for the performance or omission of an act in violation of his responsibility or duty, he shall be punishable with simple imprisonment for not less than one year, or rigorous imprisonment not exceeding seven years and fine not exceeding twenty thousand Birr.  
In grave cases, the punishment shall be rigorous imprisonment for not less than five years, and fine not exceeding one hundred thousand Birr.
- (3) Any person who, for the performance of an act proper to his responsibility or duty, solicits or obtains an advantage or exacts a promise before or after the performance of such an act,  
  
is punishable, according to the circumstances of the case, with simple imprisonment for not less than one year, or with rigorous imprisonment not exceeding five years and fine not exceeding ten thousand Birr.
- (4) In the case of fraudulent mismanagement of State interests, corrupt practices or acceptance of undue advantage committed by a public servant or official, the special provisions (Arts. 409, 410 and 412) shall apply.

**Article 704.- Incitement to Speculation.**

- (1) Whoever, with intent to obtain for himself or to procure for a third person a benefit in property, takes advantage of the carelessness, the confidence or the manifest business inexperience of a person in order to incite him to speculate, whether on securities or goods, while he knew that the

transaction was flagrantly not in proportion to the holding of the speculator and would expose him to serious risk,

is punishable, upon complaint, with simple imprisonment or fine.

- (2) Where the crime is committed negligently, it shall be punishable with fine.

**Article 705.- Incitement of Incapable Persons to carry out Prejudicial Assignments.**

- (1) Whoever, with the intent specified in Article 704, takes advantage of the carelessness, confidence or inexperience of a minor or a person who is legally incapable,

- a) in order to obtain a grant, promise or guarantee in his own favour or in favour of a third person, of sums of money, loans, acknowledgements of debt or other benefits in property; or
- b) in general, to obtain or avoid an assignment so as to prejudice his property or that of a third person, is punishable, upon complaint, with simple imprisonment or fine.

- (2) Whoever, with a similar intent, obtains such a promise, claim or guarantee and sets it up against or assigns it to another, is liable to the same punishments.

**Section II.- Computer Crimes**

**Article 706.- Access, Taking or Using Computer Services without Authorization.**

- (1) Whoever, without authorization, accesses a computer, computer system or computer network, is punishable with fine.
- (2) Whoever, without authorization, accesses a computer, computer system or computer network, and intentionally takes or uses or causes to be used data or computer services,

is punishable with simple imprisonment or fine, or in serious cases, with rigorous imprisonment for not more than five years and fine not exceeding twenty thousand Birr.

- (3) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding three months, or fine not exceeding two thousand Birr.

**Article 707.- Causing Damage to Data.**

- (1) Whoever, without authorization, accesses a computer, computer system or computer network and intentionally causes damage by adding, altering, deleting or destroying data,

is punishable with simple imprisonment for not less than three months, or fine.

(2) Where the crime is committed:

- (a) in order to devise or execute any scheme or artifice to steal, defraud, deceive or extort or wrongfully control or obtain money, property, computer services or any data; or
- (b) in serious cases even in the absence of the scheme provided for under sub-article 2 (a),

the punishment shall be rigorous imprisonment for not more than five years, and fine not exceeding twenty thousand Birr.

(3) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding three months, or fine not exceeding two thousand Birr.

**Article 708.- Disrupting the Use of Computer Services by an Authorized User.**

(1) Whoever, without authorization, accesses a computer, computer system or computer network, and intentionally disrupts the use of the computer by an authorized user,

is punishable with simple imprisonment not exceeding three years or fine.

(2) Where the crime is committed negligently, the punishment shall be simple imprisonment not exceeding three months, or fine not exceeding two thousand Birr.

**Article 709.- Acts Committed to Facilitate the Commission of Computer Crimes.**

Whoever, with intent to further the commission of one of the acts specified in the preceding three Articles, imports, produces, sells, offers for sale, distributes, buys, receives or possesses instruments, secret Codes or passwords,

is punishable with simple imprisonment or fine or both.

**Article 710.- Other Crimes.**

Where one of the other crimes provided for under this Code is committed by means of a computer, the relevant provision shall apply.

**Article 711.- Concurrence of Crimes.**

Where any crime committed by means of a computer, has resulted in the commission of another crime punishable under this Code, the relevant provision shall apply concurrently.

### **Section III.- Crimes involving Moral or Material Intimidation**

#### **Article 712.- Usury.**

(1) Whoever, by exploiting a person's reduced circumstances or dependency, material difficulties, or carelessness, inexperience, weak character or mind:

- a) lends him money at a rate exceeding the official rate; or
- b) obtains a promise or assignment of benefits in property in exchange for pecuniary or other consideration, which is in evident disproportion,

shall be punishable, according to the gravity of the case, with simple imprisonment, or with rigorous imprisonment not exceeding five years, and fine.

(2) Whoever, with a similar intent, acquires an usurious claim and sets it up against or assigns it to another, shall be liable to the same punishments.

#### **Article 713.- Extortion.**

Whoever, in cases not amounting to robbery (Art. 670), uses violence or grave threats against a person, or in any other manner renders such person unable to resist, in order to obtain for himself or to procure to a third party an unjustifiable benefit in property, whether by an assignment of funds or securities, documents or writing, executing or evidencing the transaction, disposition or discharge, or any other similar benefit,

shall be punishable, according to the gravity of the case, with simple imprisonment for not less than three months, or with rigorous imprisonment not exceeding five years, and fine.

#### **Article 714.- Blackmail.**

Whoever causes a person to purchase silence to the detriment of his estate or that of another, by threatening to publish, divulge or denounce a fact, even if true, the knowledge of which is damaging to himself or to a third party with whom the victim has close ties of relationship or affection, shall be liable to the penalties specified in the preceding Article 713.

#### **Article 715.- Aggravated Cases.**

The punishment shall be rigorous imprisonment not exceeding ten years and fine not exceeding ten thousand Birr, where a person accused of usury, extortion or blackmail,

- a) wrongfully exercises a profession, duty or trade for which he has received a license or permission from the public authorities; or
- b) commits the crime against infants or young persons, or persons who are of feeble mind, or incapable of understanding; or
- c) having so foreseen, has induced his victim to ruin or suicide by his acts or their repetition.

## **TITLE II**

### **ECONOMIC AND COMMERCIAL CRIMES**

#### **Article 716.- Participation of a Juridical Person in a Crime.**

- (1) Where a juridical person takes part in the commission of one of the crimes specified in this Title in the manner provided under Article 34 of this Code, it shall be punishable, depending on the nature of the crime, in accordance with the provisions of Article 90.
- (2) Where the manager, attorney, member, administrator or member of the controlling or winding-up authority of a juridical person takes part in the commission of a crime according to sub-article (1) above due to his position in its management, he shall be punishable in accordance with the relevant provisions of this Title.
- (3) Nothing in this Article shall affect the provisions of Article 143.



## **CHAPTER I**

### **CRIMES AGAINST INTANGIBLE RIGHTS**

#### **Article 717.- Attack on Another's Credit.**

- (1) Whoever, maliciously or with intent to cause damage, seriously injures or compromises the credit of another by statements or imputations he knows to be false,

is punishable, upon complaint, with a fine of not less than one thousand Birr, or simple imprisonment for not less than three months.

- (2) The provisions regarding calumny (Art. 613(3)) may not be applied concurrently with the provisions of this Article.

#### **Article 718.- Harmful False Information.**

Whoever, being in a position to know the state of affairs of an undertaking, a commercial firm or a cooperative, whether as founder, member, manager, director, attorney, member of a board of directors or audit, or a liquidator, intentionally gives or causes to be given essential and untrue information, whether in notices to the public, or in proposals or reports to a general meeting,

is punishable, upon complaint, with a fine of not less than one thousand Birr, or simple imprisonment for not less than three months.

#### **Article 719.- Unfair Competition.**

Whoever intentionally commits against another, an abuse of economic competition by means of direct or any other process contrary to the rules of good faith in business, in particular:

- (a) by discrediting another, his goods or dealings, his activities of business or by making untrue or false statements as to his own goods, dealings, activities or business in order to derive a benefit therefrom against his competitors; or
- (b) by taking measures such as to create confusion with the goods, dealings or products or with the activities or business of another; or

- (c) by using inaccurate or false styles, distinctive signs, marks or professional titles in order to induce a belief as to his particular status or capacity; or
- (d) by granting or offering undue benefits to the servants, agents or assistants of another, in order to induce them to fail in their duties or obligations in their work or to induce them to discover or reveal any secret of manufacture, organization or working; or
- (e) by revealing or taking advantage of such secrets obtained or revealed in any other manner contrary to good faith,

is punishable, upon complaint, with a fine of not less than one thousand Birr, or simple imprisonment for not less than three months.

**Article 720.- Infringement of Marks, Declarations of Origin, Designs or Models.**

(1) Whoever intentionally:

- a) infringes, imitates or passes off, in such manner as to deceive the public, another's mark or distinctive signs or declarations of origin on any produce or goods or their packing, whether commercial, industrial or agricultural; or
- b) sells or offers for sale, imports or exports, distributes or places on the market produce or goods under a mark which he knows to be infringed, imitated, passed off or improperly affixed; or
- c) refuses to declare the origin of produce or goods in his possession under such marks,

shall be punishable with rigorous imprisonment not exceeding ten years.

(2) Whoever unlawfully so acts with respect to intellectual property rights, particularly industrial designs or models, or patented inventions or processes, duly registered and protected by existing laws or agreements, national or international, shall be liable to the same punishments.

(3) Where the act mentioned under sub-article (1) or (2) is committed negligently, the punishment shall be simple imprisonment not exceeding five years.

**Article 721.- Infringement of Rights Relating to Literary, Artistic or Creative Works.**

- (1) Whoever, apart from cases punishable more severely by another provision of the this Code, intentionally violates laws, regulations or rules issued in relation to rights on literary, artistic or creative works, is punishable with rigorous imprisonment not exceeding ten years.
- (2) Where the act is committed negligently, the punishment shall be simple imprisonment not exceeding five years.

**Article 722.- Right of Complaint.**

Where the crimes in this Chapter are punishable upon complaint, only the person or professional association injured shall have the right to make the complaint.

**Article 723 .- Aggravated Cases.**

Where one of the crimes provided in this Chapter is committed to further the commission of fraudulent misrepresentation, the punishment provided for the latter shall apply concurrently.

**Article 724.- Related Sanctions.**

Apart from the penal sanction and any civil claim, the Court shall order the confiscation of the objects, goods or works which are infringements as well as of the proceeds of sale or performance.

The judgment shall be given the necessary publicity by the Court.

**CHAPTER II**

**CRIMES RELATING TO PROCEEDINGS OF DEBT, EXECUTION AND BANKRUPTCY**

**Article 725.- Fraudulent Insolvency.**

Whoever intentionally conceals the fact that he is insolvent and contracts an obligation knowing that he is unable or unwilling to execute it, shall be punishable, upon complaint, with a fine not exceeding fifty thousand Birr, or with simple imprisonment.

#### **Article 726.- Irregular Bankruptcy.**

- (1) A debtor who has caused his own insolvency or who has intentionally aggravated it by acting with culpable lack of foresight, or with gross negligence or mismanagement, in the exercise of his profession, whether by failing to keep proper books or accounts, by incurring excessive expenditure or by hazardous speculation or in any other manner, shall be punishable with simple imprisonment.
- (2) Where the act is committed negligently, the punishment shall be simple imprisonment not exceeding six months, or fine not exceeding five thousand Birr.
- (3) Proceedings may be taken against a debtor not registered in the commercial registry only upon a complaint by the creditor, to be brought within three months from the delivery of the declaration of default.
- (4) A creditor who caused a debtor to act with lack of foresight or negligence, resulting in insolvency, or who acted towards him with usury, may not bring a complaint against such debtor.

#### **Article 727.- Fraudulent Bankruptcy.**

- (1) A debtor adjudged bankrupt who has intentionally disposed of his assets to the prejudice of his creditors,
  - a) either materially, whether by assigning or by destroying, damaging, depreciating or rendering useless certain property forming a part of such assets; or
  - b) fictitiously, whether by removing or concealing property, by relying on or recognizing non-existent debts or claims or by inciting a third party to make fictitious claims, or in any other manner pretending that his estate is less than it is in fact, in particular by means of incorrect accounting, falsified correspondence or a false balance sheet,shall be punishable with simple imprisonment for not less than six months.
- (2) In serious cases where the damage was of particular gravity or was imposed upon the Defence Forces, or a public undertaking or service, the punishment shall be rigorous imprisonment not exceeding eight years.

- (3) A third party who has committed such acts to the prejudice of the creditors shall be punishable with simple imprisonment not exceeding three years.
- (4) Where the acts of the criminal amount to fraud, the relevant provisions shall apply concurrently.

**Article 728.- Fraud In Execution.**

- (1) A debtor subject to proceedings by way of execution against whom a declaration of default has been delivered, and who with intent to prejudice his creditors has reduced his assets, whether materially or fictitiously as provided in Article 727,

shall be punishable with simple imprisonment, or, in grave cases, with rigorous imprisonment not exceeding five years.

- (2) A third party who has so acted to the prejudice of the creditors shall be punishable with simple imprisonment.

**Article 729.- Misappropriation or Destruction of Property Subject to Pledge or Lien.**

- (1) Any debtor who, with intent to obtain for himself or to procure for a third person a benefit, or, to cause damage to his creditor, removes, assigns, damages, depreciates or renders useless his property, whether movable or immovable, and which was held by the creditor by way of pledge, usufruct or lien,

**is punishable with simple imprisonment for not less than one year.**

- (2) Any third person who so acts with the same intent to the prejudice of the creditors is punishable with simple imprisonment not exceeding three years, or fine not exceeding fifty thousand Birr.

**Article 730.- Misappropriation or Destruction of Property Subject to a Order.**

- (1) Whoever, to the prejudice of his creditors, improperly appropriates or uses property under seizure or sequestration, listed in a bankruptcy, or

- in a document evidencing a lien, or destroys, damages, depreciates or renders such property useless, is punishable with simple imprisonment.
- (2) A third person who so acts to the prejudice of the creditors, is punishable with simple imprisonment or fine.
  - (3) Where the acts punished under this Article are performed solely to the detriment of the creditors, Article 439 of this Code may not be applied concurrently.

**Article 731.- Unjustifiable Preference.**

Any debtor who, having been adjudged bankrupt or having given a declaration of default, and knowing himself to be insolvent, has preferred certain of his creditors to the prejudice of the others, in particular:

- a) by paying debts not due or by paying debts at maturity other than in cash or by the customary securities; or
  - b) by giving on his own account security for a debt when not bound so to do; or
  - c) in any other similar manner,
- is punishable with simple imprisonment not exceeding three years.

**Article 732.- Purchase of Votes.**

- (1) Any debtor who, in order to obtain a favourable vote of one of his creditors or a composition by the Court, grants or promises particular advantages:
  - a) to that creditor or to his representative in a general meeting; or
  - b) to a member of the administration or winding-up in a bankruptcy,is punishable with simple imprisonment not exceeding three years.
- (2) A third person who so acts in favour of the debtor, or any person who with the same intent causes such an advantage to be granted or promised to him, is liable to the same punishments.

**Article 733.- Fraudulent Composition.**

- (1) Any debtor who, in order to obtain a scheme of arrangement or the ratification of a composition by the Court, misleads his creditors, the commissioner in bankruptcy or the competent authority, as to his

financial position, in particular by means of incorrect or falsified accounts, correspondence or a balance sheet,

is punishable with simple imprisonment.

- (2) A third person who so acts in favour of the debtor is liable to the same punishment.

**PART III  
CODE OF PETTY OFFENCES**

**BOOK VII  
GENERAL PART**

**TITLE I  
DIRECTIVES GOVERNING LIABILITY TO PUNISHMENT**

**CHAPTER I  
SCOPE OF THE LEGAL PROVISIONS**

**Article 734.- Reference to General Principles.**

Except in cases where the provisions of this Book state otherwise, the principles and rules of the general part of the Criminal Code shall apply to petty offences, due regard being had to the spirit and nature of the law (Art. 3. Par. 2).

**Article 735.- Petty Offences.**

A person commits a petty offence when he infringes the mandatory or prohibitive provisions of a law or regulation issued by a competent authority or when he commits a minor offence which is not punishable under the Criminal Law, and such infringement or minor offence is subject to punishment under the provisions below (Arts. 746-775).

**Article 736.- Application as to Offence.**

- (1) In accordance with the principle of legality (Art. 2 (1 to 4)), petty offences by the provisions of this Code or by a special provision are alone liable to

punishment and the penalties applicable shall be those which are expressly prescribed in respect thereof.

Such provisions are enforceable only if the act does not fall under an express provision imposing a more severe penalty.

One and the same act cannot be punished both under the provisions of the Criminal Code and the Code of Petty Offences (Art. 2(5)).

- (2) Petty offences shall always be punished under the provisions in force at the time of their commission, and there shall be no retrospective effect as to their application (Art. 5).

Upon the coming into force of this Code, its provisions shall apply to all petty offences mentioned in the Special Part of this Code.

#### **Article 737.- Equality before the Law.**

The provisions relating to petty offences shall apply to all petty offenders alike without discrimination (Art. 4).

#### **Article 738.- Application as to Place.**

- (1) Petty offences shall be deemed to have been committed at the place where the offender acted or had the legal obligation to act (Art. 25).

They shall be governed as a rule by the principle of territoriality (Art. 11).

- (2) Petty offences committed in Ethiopia shall always be tried in accordance with Ethiopian law when the petty offender is in Ethiopia. They shall give rise neither to delegation (Art. 12) nor to extradition (Art. 21).
- (3) Petty offences committed in a foreign country by an Ethiopian or against an Ethiopian subject (Art. 18) shall not be punished in Ethiopia:  
Petty offences committed in a foreign country by an Ethiopian enjoying immunity (Art. 14) shall not be punished in Ethiopia.
- (4) Petty offences of a purely military character provided by Ethiopian military law (Art. 792) shall always be tried by the military authority and



punished according to Ethiopian law whether they were committed in Ethiopia or in a foreign country.

If, however, the doer was already tried for the same act by a foreign Court a fresh penalty may be dispensed with.

**Article 739.- Foreign Sentences.**

Convictions or sentences passed on petty offences by a foreign Court shall not be taken into consideration for the assessment of sentence as regards crimes or petty offences tried by Ethiopian Courts (Art. 22).

**CHAPTER II**

**LIABILITY TO PUNISHMENT**

**Article 740.- Punishable Acts and Persons.**

- (1) In the matter of petty offences preparatory acts and attempts shall not be punishable.
- (2) Likewise, incitement, complicity and being accessory after the fact are not liable to punishment. The petty offender (Art. 32) shall alone be punishable.
- (3) In the matter of petty offences a juridical person is not punishable for incitement or complicity; it is punishable only when its official or employee violates laws, regulations or directives as a petty offender in accordance with Article 32 of this Code.
- (4) The provisions relating to petty offences shall apply also to young persons within the meaning of the Criminal Code (Arts. 52-55).
- (5) The relevant provisions of the Criminal Code relating to crimes committed through mass media (Arts. 42- 47) are applicable to petty offences.

**Article 741.- Conditions for Liability to Punishment.**

- (1) The provisions of the Criminal Code concerning criminal responsibility and irresponsibility (Arts. 48-50) shall apply to petty offences.
- (2) Any person shall be punishable whether he contravened the law intentionally or negligently (Arts. 57 - 59) save in cases where the law expressly exempts from liability to punishment in respect of an act committed by negligence.

- (3) Responsibility and liability to punishment for petty offences shall always be individual Arts. 41 and 88).

**Article 742.- Measures for Purposes of Clarification.**

Measures for the taking of expert advice and the carrying out of enquiries provided in respect to ordinary crimes (Arts. 51 and 54) shall be ordered only if questions as to the petty offender's responsibility cannot otherwise be decided by the Court.

**Article 743.- Justification and Excuses.**

- (1) The provisions governing lawful acts (Art. 68), the performance of a legal, official or professional duty (Art. 69), consent of the victim (Art. 70), absolute coercion (Art. 71), necessity (Art. 75) and self- defence (Art. 78), shall apply to petty offences.

In cases of resistible coercion or excess of necessity or self-defence the petty offender shall be punishable but the Court shall reduce the penalty within the limits authorized by law (Art. 766).

- (2) In the case of a hierarchical order the subordinate shall not be punishable if he obeyed a person of higher rank acting within his authority and did not exceed the order received. The person who gave the order shall be fully responsible therefor (Art. 73).

The subordinate shall be responsible for any conscious and intentional excess in the performance of the order received.

**Article 744.- Mistake.**

- (1) He who committed a petty offence may not plead as justification ignorance of the law or a mistake as to right (Art. 81).
- (2) If he acted under a proven mistake of fact which excluded knowledge or intention to commit an offence he shall not be liable to punishment (Art. 80).

**Article 745.- Extenuating and Aggravating Circumstances.**

- (1) Where a person guilty of a petty offence acted in extenuating circumstances as provided by the Criminal Code (Art. 82 and 83), the Court may take such circumstances into account by reducing the penalty or altering its nature as provided hereafter (Art. 766).
- (2) Where the petty offender acted in aggravating circumstances as provided by the Criminal Code (Arts. 84 and 85) the Court shall increase the penalty as provided hereafter (Art. 767-770).
- (3) Where there exists a combination of extenuating and aggravating circumstances, the Court shall have due regard to both in determining the penalty (Art. 189).

**TITLE II  
RULES GOVERNING PENALTIES**

**CHAPTER I  
PENALTIES AND MEASURES APPLICABLE**

**Section I.- Principal Penalties**

**Article 746.- Exclusion of Ordinary Criminal Penalties.**

- (1) Petty offences shall not be punished with rigorous or simple imprisonment prescribed for ordinary crimes. Petty offences differ from ordinary crimes by reason of the different penalties they merit.
- (2) The only penalties which may be imposed for petty offences are those specified in the following provisions subject to the special forms of punishment applicable to military petty offenders or young persons.
- (3) In cases where protective or therapeutic measures should be prescribed in the general interest, in particular in respect to irresponsible persons (Arts. 130 and 131), the Court shall inform the competent administrative authority (Art. 154).

**Article 747.- Arrest.**

- (1) Arrest is the only penalty involving deprivation of liberty which may be imposed in the case of petty offences.

The duration of such arrest shall be of one day at least and of three months at most, subject to cases of recidivism (Art. 769) and cases where special provisions of the law provide a higher maximum.

The Court shall determine the penalty taking into account the degree of guilt of the petty offender (Art. 88) without going below the special minimum or beyond the special maximum where such periods are fixed by law.

- (2) The provisions on conditional release (Arts. 201-207) shall not apply to arrest.

**Article 748.- Enforcement of Ordinary Arrest.**

- (1) Ordinary arrest shall be undergone in special premises for detention attached to Courts or police stations. Convicts shall be separated according to sex.

No person sentenced to arrest shall be detained in penitentiary or corrective institutions nor confined with prisoners sentenced for crimes to imprisonment (Art. 746 (1)).

- (2) A person sentenced to arrest shall not be compelled to work nor be entitled to remuneration (Art. 111).

He may receive food, mail and visitors from outside to the extent compatible with the tranquility and general good order of the place of detention.

**Article 749.- Arrest in a Home or an Establishment.**

- (1) When personal or local conditions seem to justify such a measure the Court may order that arrest shall, subject to adequate control or safeguards, be undergone either in the home of the person sentenced or in the home of a reliable person or in a lay or religious community designed for the purpose.
- (2) Permission to leave home may, apart from cases of force majeure, be granted exceptionally and by decision of the Court only for the performance of religious duties, the consultation of a physician, or for receiving indispensable medical care or appearing before a judicial authority, and then only for such time as is strictly necessary.

A person sentenced to home arrest shall provide for his own up-keep.

**Article 750.- Special Method of Enforcement in case of Members of the Defence Forces and Young Offenders.**

- (1) Arrest imposed upon members of the Defence Forces by reason of failure to discharge their military duties (Art. 792) shall be determined in accordance with military regulations and undergone under military discipline and control in the premises used for this purpose.
- (2) Young persons sentenced to arrest shall undergo their punishment either by school or home arrest under the conditions provided for their case (Art. 161) or, when this is impracticable, under the supervision of an institution, a charitable organization or a reliable person appointed by the Court.

Arrest in their case may be served at different times: Provided that no period of arrest shall be for less than three hours and the total period shall not exceed fifteen days.

**Article 751 .-Compulsory Labour in Substitution for Arrest.**

- (1) In cases where the penalty of arrest can be pronounced the Court may, if the circumstances or the conditions of enforcement so justify, replace this penalty by a term of compulsory labour of equivalent duration, with or without restriction upon liberty, coupled with a deduction from the petty offender's earnings for the benefit of the State (Art. 103 and 104).

The duration and the amount of money to be deducted shall be fixed by the Court in its judgment.

- (2) These provisions shall not apply to members of the Defence Forces on active service, nor to young persons.

**Article 752.- Fine; Ordinary Case.**

- (1) Fine may be between one Birr and three hundred Birr, except in cases of recidivism (Art. 769) and where the law provides a higher maximum.

Where the petty offender acted for gain the fine may be increased to five hundred Birr, without prejudice to aggravation in cases of recidivism.

In determining the fine the Court shall take into account the financial state of the petty offender, as well as the gravity of the petty offence and the degree of guilt (Art. 90).

- (2) A fine may be imposed in addition to arrest, where circumstances justify, in particular where the law provides these penalties as alternative penalties or where the petty offender acted for gain (Arts. 91 and 92).
- (3) The Court may grant the convicted person time for payment not exceeding three months (Art. 93), and may allow payment by instalments. When circumstances so justify, the Court may extend the period up to a maximum period of one year.

A person sentenced to pay a fine may be permitted to pay the fine by performing work of an equivalent monetary value (Art. 95).

- (4) The penalty shall be only fine in respect of a juridical person. Subject to the provisions of Articles 768 and 770, fine may be between ten Birr and One thousand and two hundred Birr.

#### **Article 753.- Conversion of Fine into Compulsory Labour.**

- (1) In the event of non-payment of the fine within the fixed period of time, the Court shall order the conversion of the fine, or of such part of the fine as remained unpaid, into compulsory work performed freely or with restriction on liberty, together with a deduction for the benefit of the State.
- (2) The Court shall determine the duration of the compensatory term on the basis of the relevant general provisions (Arts. 96 and 103).

#### **Article 754.- Recovery of Fine; Special Case of Members of the Defence Forces or Young Persons.**

- (1) Where a member of the Defence Forces has committed an offence under the ordinary law the Court may, to recover a fine or part thereof, order that deductions be made for a specified period from the member's pay to cover the fine or part thereof remaining unpaid.

The deduction may not exceed a quarter of the member's pay except with his consent. It shall be fixed by the Court in consultation with the responsible military authority of the convicted person.

- (2) In the case of a young petty offender the fine shall be fixed by the Court within appropriate limits, taking into special account the gravity of the petty offence, his material circumstances and the degree of need for the warning constituted by the penalty.

Where the young petty offender intentionally fails to pay the fine the Court shall convert the fine into arrest for young persons on such conditions as it considers appropriate in the circumstances.

#### **Article 755.- Reparation of the Damage.**

Nothing shall affect the reparation of the moral or material compensation for the damage caused by the offence to the injured party (Arts. 101 and 102), where the circumstances of the case justify.

#### **Section II.- Secondary Penalties**

##### **Article 756.- Warning and Reproof.**

- (1) A warning, reproof, reprimand or the making of amends (Art. 122) may be imposed by the Court in addition to a penalty of arrest, compulsory work or fine.
- (2) The Court may substitute the above mentioned penalty for the principal penalty in the case of extenuating circumstances or minor offences.

##### **Article 757.- Exclusion of Forfeiture of Rights.**

- (1) In case of petty offences forfeiture of civic or family rights or rights to discharge an office or exercise of profession (Art. 123) may not be ordered.
- (2) No order may be made for reduction in rank and exclusion from the Defence Forces (Art. 127) on a soldier who has committed a petty offence.

#### **Section III.- Safety Measures**

##### **Article 758.- Guarantee of Good Conduct.**

- (1) A guarantee for good behaviour (Art. 134) can only be ordered in cases of repeated petty offences against public order or tranquility, or the safety

of persons or things, and only where the commission of further offences is probable.

The guarantee shall not exceed one year.

- (2) Where an petty offender who is able to provide guarantee refuses to provide one, arrest (Art. 748) for a period not exceeding fifteen days, or, where the petty offender is a soldier military arrest (Art. 750) shall be ordered.

This period cannot be extended.

Article 759.- Confiscation and Forfeiture to the State.

- (1) Confiscation of objects or material means endangering security, order, health or decency, or intended to facilitate, or to be used for the commission of an offence, or which have been used for the commission of an offence (Art. 140) may be ordered by the Court if such confiscation appears to be justified in addition to the principal penalty.

It may be ordered as a preventive measure where public safety so requires (Art. 141).

- (2) The Court may order forfeiture to the State of such objects and means (Art. 100).

**Article 760.- Prohibition of Undertakings and Suspension of a Work Permit.**

Withdrawal of a license (Art. 142), closing of an establishment or suspension of its activity (Art. 143), whether total or partial, may be ordered only as a temporary measure in case of repeated petty offences connected with the use of a license or the management of an establishment.

In no case may these measures be imposed for a period exceeding six months. The Court shall determine their duration and scope.

**Article 761.- Principal Cases Where Confiscation and Suspension are Applicable.**



The measures of confiscation to the State, withdrawal of a license, suspension or closing of an establishment shall be ordered in cases of:

- (a) fiscal or administrative matters (Arts. 784-791);
- (b) press and publication matters (Arts. 804 and 812);
- (c) control of firearms and ammunition, fire, explosive or dangerous substances (Arts. 808 and 829);
- (d) control of inns and places of entertainment (Arts. 820 and 821);
- (e) control of public health such as unlawful making or sale of toxic ^ or narcotic substances, drugs and medicines, alcohol, beverages, food stuffs or goods in general (Arts. 818 and 831-834).

**Article 762.- Prohibitions and Restrictions upon Liberty Affecting Persons.**

- (1) A prohibition from resorting to certain places conducive to the commission of an offence or further petty offences (Art. 145) may be ordered by the Court in cases where such prohibition appears to be justified, in particular where there has been recidivism or where recidivism is likely.

The duration of such prohibition shall be fixed in the judgment, and in any case shall not exceed a maximum period of six months.

- (2) Other measures restrictive of personal liberty, such ,as prohibition to reside in a place, obligatory residence, placing under supervision, withdrawal of official papers or expulsion (Arts. 146-150) may not be ordered in respect to a person who committed a petty offence.

**Section IV.- MEASURES FOR PURPOSES OF INFORMATION**

**Article 763.- Notice to the Authority Concerned and Publication.**

- (1) Notice shall be given by the Court to the competent authority (Art. 154) whenever such a notice seems to be justified.
- (2) Judgments shall be published (Art. 155) when a public or private interest so requires.

**Article 764.- Entry into the Register of Judgments.**

- (1) Entry in the judgment register (Art. 156) shall be ordered in respect of sentences for petty offences which are final, so that the Courts may be fully informed of the antecedents of an accused person.

- (2) Such communications are subject to the provisions regarding crimes (Art. 156).

## **CHAPTER II ENFORCEMENT OF THE PENALTY**

### **Article 765.- Exclusion of Suspension and Conditional Release.**

The provisions concerning the suspension of the pronouncement of sentence or the enforcement of the penalty as well as those regarding conditional release (Arts. 190-200) shall not apply to petty offences by reason of their formal nature and the fact that the punishment imposed should be uniformly and rapidly enforced.

### **Article 766.- Extenuation of the Penalty.**

- (1) Where circumstances warrant a reduction of the penalty (Art. 745(1)) the Court may, instead of arrest, impose compulsory work or a fine. It shall be bound by the ordinary minimum provided by law. The extent or amount shall be determined according to the degree of guilt of the petty offender.
- (2) In cases of minor gravity, where the offence committed appears trifling, and notably in cases of a first offence or mere imprudence, the Court may confine itself to inflicting a reproof, a reprimand, or a warning for the future.

### **Article 767.- Ordinary Aggravation of the Penalty.**

**In the case of general aggravating circumstances (Art 745(2) the penalty shall be fixed in a more severe manner within the limits provided by law (Art. 183).**

### **Article 768.- Aggravation in case of Concurrence.**

- (1) In case of material concurrence of petty offences the particular penalties determined for each of them shall be added and pronounced. The aggregate penalty may exceed the ordinary maximum penalty fixed in Article 747 or 752. However, the penalty of arrest may not exceed one year and fine may not exceed Birrone thousand and two hundred Birr.

Fine may not exceed five thousand Birr in respect of a juridical person.

- (2) In the case of notional concurrence, the Court may increase the penalty as provided by the general rule (Art. 187).

**Article 769.- Aggravation in Case of Recidivism.**

- (1) Recidivism shall not be taken into account where at the time of the new petty offence to be tried, a period of one year has elapsed since the penalty imposed for the previous petty offence whatever its nature was enforced in whole or in part or remitted by pardon or limitation.
- (2) In the case of recidivism the Court shall not be bound by the ordinary maximum of the penalty prescribed for the new petty offence. When circumstances and the degree of guilt so justify and, in particular, in cases of persistent repetition of the same offence it may impose a penalty up to double the legal maximum provided for the various penalties (Arts. 747 and 752).

**Article 770.- Concurrence and Recidivism.**

When there is at the same time concurrence of petty offences and recidivism the fines shall be fixed in accordance with the two preceding provisions. However, arrest may not exceed two years, and fine may not exceed two thousand four hundred Birr in the case of physical persons, and ten thousand Birr in respect of juridical persons.

**CHAPTER III  
CONDITIONS FOR INSTITUTING PROCEEDINGS, SUSPENDING AND  
EXTINGUISHING THE PROSECUTION AND THE PENALTY**

**Article 771.- Prosecution.**

- (1) The prosecution of violations of the provisions of this Code or of special laws or regulations shall be governed by the following directives:
  - (a) petty offences against the person of another, his freedom or honour, or against private property, shall be prosecuted and punished only on a complaint lodged by the injured party, his representative or those having rights from him, duly authorized by law.

- (b) breaches of laws, orders, regulations and directives of administrative or executive authorities shall be prosecuted and punished on complaint by the Authority concerned.
  - (c) other breaches shall be prosecuted ex officio by the public prosecutor in accordance with the directives of Criminal Procedure.
- (2) The prosecution of purely military petty offences shall be governed by Military Law.

#### **Article 772.- Conditions as to Complaint**

Where the law requires that a complaint be lodged as a condition precedent to the prosecution of a petty offence (Art. 771) the general provisions governing conditions, time-limit and right to lodge such a complaint shall apply (Arts. 211-213).

#### **Article 773.- Limitation.**

In the case of petty offences of any nature whatsoever the right to prosecution shall be statute-barred after one year, and the sentence passed after two years.

The general provisions relating to the beginning, suspension, interruption and absolute end of the limitation periods (Arts. 219 - 222 and 225 - 228) shall apply.

#### **Article 774.- Pardon and Amnesty.**

Penalties imposed in respect of petty offences may be cancelled by a pardon or an amnesty on the usual conditions laid down in the Criminal Code (Arts. 229-231).

#### **Article 775.- Reinstatement.**

An offender who is sentenced to a penalty shall as of right be reinstated after one year has elapsed since the penalty was undergone in whole or in part or barred by limitation, or remitted by pardon.

**BOOK VIII  
SPECIAL PART**

**TITLE I  
PETTY OFFENCES AGAINST PUBLIC INTERESTS AND THE COMMUNITY**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 776.- General Provisions regarding Petty Offences not expressly covered under this Title.**

Whoever, save in the cases specially provided in this Title, contravenes the law, regulations, orders, directives or measures lawfully issued by the appropriate authority with a view to protecting, maintaining or restoring:

- a) the credit of the State, the currency, and public confidence; or
- b) public order, peace, tranquility, safety, health and decency; or
- c) the freedom, regularity and safety of means of communication by land, air, river or sea, as well as postal, telephonic and telegraphic correspondence and communications; or
- d) generally, in regard to fiscal, customs, economic, food, health forestry or policy matters,

shall, if his act is not punishable under a specific provision of the Criminal Code or of special legislation, be punishable with fine or arrest to be determined in accordance with the directives laid down hereinbefore (Article 747 and 752).

**Article 777.- General Provision regarding Participation of a Juridical Person in Petty Offences under this Title.**

- (1) A juridical person shall be regarded a petty offender and punished in accordance with Article 752 and 768-770, where its official or employee violates one of the provisions in this Title by infringing laws, regulations or directives as a petty offender (Arts. 32 and 34) in connection with the activity of the juridical person with the intent of promoting its interest by an unlawful means or by violating its legal duty or by unduly using the juridical person as a means.
- (2) Where the manager, attorney, member, administrator or member of the controlling or winding-up authority of a juridical person takes part in

the commission of a petty offence according to sub-article (1) above due to his position in its management, he shall be punishable in accordance with the relevant provisions of this Title.

## **CHAPTER II PETTY OFFENCES AGAINST STATE OR PUBLIC INTERESTS**

### **Section I.- Petty Offences against Public Credit and Confidence**

#### **Article 778.- Refusal of Legal Tender.**

Whoever without lawful excuse refuses to accept national money or currency, whether in coins or notes, at the value for which they are legal tender, is punishable with fine or arrest.

#### **Article 779.- Failure to Report the Possession of Counterfeit Money.**

Whoever having received spurious, counterfeit or debased coinage or notes does not report the fact to the appropriate public authority or hand them over to such authority, indicating the origin thereof if he knows it, as soon as may be after he has become aware of their spurious nature or alteration,

is punishable with fine or arrest.

#### **Article 780.- Use of Illicit Weights and Measures.**

Whoever, apart from the cases punishable under the Criminal Code (Art. 367),

- (a) makes use in his relations with third parties of seals weights or measures which were not officially controlled or which are not in conformity with the relevant laws, regulations or directives; or
  - (b) generally, contravenes the laws, regulations or directives issued for the stamping, control and use of official weights and measures,
- is punishable with fine or arrest without prejudice to confiscation when justified.

#### **Article 781.- Use of Expired or Falsified Transport Titles.**

Whoever makes use, as if it were genuine or still valid, of a public transport ticket or voucher which is falsified, has expired or has already been used, is punishable with fine or arrest.

**Article 782.- Fraudulent Securing and Use of Degrees and Certificates.**

Whoever, apart from the cases punishable under the Criminal Code (Art. 385), with a view to securing an undue moral or material advantage:

- (a) commits a fraud in official examinations, competitions or entries for the purpose of obtaining a license or a certificate of professional capacity, a diploma or a degree, a post or employment in a public office or department; or
  - (b) avails himself of a certificate, diploma or degree which he does not possess or to which he is not entitled,
- is punishable with fine or arrest not exceeding one month.

**Article 783.- Unlawful Making of, Trafficking in, and Wearing of, Civilian Decorations and Insignia.**

Whoever:

- (a) without authorization makes or falsifies civilian decorations, medals or insignia, stores, distributes, sells or offers them for sale; or
  - (b) uses or wears decorations, medals or insignia to which he is not entitled,
- is punishable with fine or arrest without prejudice to confiscation.

**Section II.- Petty Offences of a Fiscal, Administrative or Financial Nature**

**Article 784.- Violation of Provisions Dealing with Fiscal Rights.**

Whoever, apart from the cases punishable under the Criminal Code (Arts. 343-345), contravenes the laws, regulations or directives issued by the competent authority regarding:

- (a) the sources of the national income, in particular taxes, customs, post and telegraph, hunting and fishing rights, the use of the natural resources of the soil or sub-soil, or any other similar rights or sources of income; or
- (b) the collection of official dues in respect of stamp and placarding duty, registrations, transfers of ownership and other fiscal charges of the same nature,

is punishable with fine or arrest.

**Article 785.- Violations of Provisions Dealing with Illicit Traffic in Gold, or Currencies.**

Whoever apart from the cases specified in Article 346 of the Criminal Code, violates laws, regulations or directives, issued concerning gold or currency, whether national or foreign, the dealings or rates of which are subject to limitation, restriction or measures of control or protection,

is punishable with fine not exceeding three hundred Birr or arrest not exceeding three months.

**Article 786.- Violation of Provisions on Precious Metals.**

Whoever, apart from the cases punishable under the Criminal Code (Art. 347), contravenes the laws, regulations or directives on the treatment, control, acquisition or sale of precious metals and minerals, is punishable with fine or arrest.

**Article 787.- Violation of Provisions Regarding Negotiable Instruments.**

Whoever, contravenes the laws, regulations or directives regarding negotiable instruments, cheques, bills of exchange, as well as shares or bonds of commercial or industrial companies,

is punishable with fine or arrest.



**Article 788.- Violation of Provisions Concerning Savings and Banks.**

Whoever contravenes the laws, regulations or directives concerning the creation, opening, management and control of banking establishments or companies, or funds for the granting of loans or credit or any other public or private offices issuing invitations to the public for the deposit of funds or savings or for banking or Stock Exchange transactions, is punishable with fine or arrest.

**Article 789.- Violation of Provisions Regarding Lotteries, Gambling and Betting.**

(1) Whoever:

- (a) Publicly organizes for profit lotteries, professional betting or gambling without having obtained an authorization from the competent authority; or
- (b) without authorization organizes for profit in a public place or a place open to the public or in a private club gambling or betting or any other officially prohibited games of chance, or participates in such games or betting; or
- (c) in any other way contravenes the relevant laws, regulations or directives,

is punishable with fine or arrest.

(2) Lotteries and games of chance permitted by law and organized for public or charitable purposes are not punishable.

**Article 790.- Violation of Provisions on Price Control.**

Whoever:

- (a) sells metals, goods, products or objects of any nature whatsoever, whether subject to a monopoly or not, at a price higher than the price fixed in an official pricelist and duly published; or
- (b) demands a higher price than prescribed or authorized by law, in particular in regard to leases or any other kind of rents; or
- (c) in any other way contravenes the relevant laws, regulations or directives, is punishable with fine or arrest.

**Article 791.- Violation of Provisions Regarding Organization,  
Exercise and Control of Trades and Professions.**

Whoever, apart from the cases punishable under the Criminal Code, contravenes the laws, regulations or directives regarding the licensing, qualifications, registration, exercise or control of commercial and industrial undertakings, artisans, professional persons, temporary or seasonal employments, or professional associations and societies of any kind,

is punishable with fine or arrest.

**CHAPTER III  
BREACHES OF MILITARY DUTIES AND CONTRAVENTIONS  
AGAINST THE DEFENCE AND POLICE FORCES**

**Article 792.- Determining Military Contraventions.**

Breaches of military duties and crimes against military discipline, other than those mentioned in the provisions of the Criminal Code dealing with military crimes (Art. 284-325) are specified in the Orders and Regulations issued by the appropriate authorities of the Defence Forces.

**Article 793.- Military Disciplinary Penalties.**

- (1) A member of the Defence Forces of any rank or any other person in the service of the Defence Forces, a prisoner or a military internee who has been guilty of a military petty offence shall be punished by the authority under which he serves with the disciplinary penalties provided by the appropriate Defence Forces Regulations.
- (2) As regards ordinary crimes committed by them, the said persons shall be liable to the ordinary provisions and penalties, with the exceptions

specially provided for in their case (Art. 319 and 754).

**Article 794.- Contraventions against the Defence Forces.**

Any criminal activity directed against a member of the Defence Forces or against the Defence Forces or the Auxiliary Services and any violation of orders, directives or regulations issued by the appropriate military authority which are not punishable under the Criminal Code shall be deemed to be petty offences against members of the Defence Forces and shall be punishable with fine or arrest on the usual conditions.

**Article 795.- Application to the Police.**

- (1) The same principles shall apply as regards the punishment of the violation of orders, directives or regulations regarding the duties of the Police and the security which they are entitled to while on duty.
- (2) Nothing in this Article shall affect the provisions regarding the acts performed by members of the Police acting in the capacity of public servants.

**CHAPTER IV**

**PETTY OFFENCES AGAINST THE DUTIES OF A PUBLIC OFFICE OR A PUBLIC AUTHORITY**

**Section I.- Petty Offences against the Duties of a Public Office**

**Article 796.- Misuse of Authority in the discharge of a Public Office.**

Any public servant who, apart from the cases punishable under the Criminal Code (Art. 407), exceeds the authority conferred upon him or misuses such authority,

is punishable with fine or arrest not exceeding three months.

**Article 797.- Misuse of the Right of Constraint**

Any public servant lawfully empowered to effect a house search, a seizure or a sequestration, the application or removal of seals, or to effect a personal search or inspection, an arrest, a detention or placing under supervision, an interrogatory or any other similar act who, apart from the cases punishable under the Criminal Code (Arts. 422-424), misuses his authority, in particular by having recourse to vexatious, offensive, indiscreet or incorrect methods,

is punishable with fine or arrest.

**Article 798.- Lack of Honesty.**

Any public servant who, apart from the cases punishable under the Criminal Code (Arts. 411-419), takes undue advantage of his position to commit dishonest acts.

is punishable with fine or arrest.

**Article 799.- Undue Favouring.**

Any public servant who, apart from the cases punishable under the Criminal Code (Art, 408,409 and 414), unduly favours, for a motive of personal interest, a person having recourse to his office, or placed under his authority, or for whose care and custody he is responsible,

is punishable with fine or arrest not exceeding three months.

**Article 800.- Careless handing over of Official Papers.**

Any public servant who:

- (a) issues or causes to be issued or handed over a passport, an identity card, a permit, an extract from a judgment register, a

certificate of good conduct or as to poverty, or in general any document or official attestation of a personal nature, to an unknown person without having previously ascertained by all usual means of checking the identity of the said person and his right to receive the document or instrument in question; or

(b) allows a person freely to use such a document or instrument although he knows that he is neither the true holder thereof, nor has the right to use it,

is punishable with fine or arrest not exceeding three months.

### **Article 801.-Cases of Minor Importance; Disciplinary Punishments.**

In the case of petty offences committed by a public servant in the discharge of his official duties, the Court may, when the offence appears to it merely to justify disciplinary measures, waive the penalty provided by this Code and, on stating the reasons for its decision, refer the petty offender to the administrative authority to which he reports so that it may impose such punishment as it deems appropriate.

## **Section II. - Petty Offences against a Public Authority**

### **Article 802.- Damage to Official Publications.**

Whoever, apart from the cases punishable under the Criminal Code (Art. 432), removes, lacerates, impairs, obliterates, intentionally damages or soils official notices or placards publicly posted up,

is punishable with fine not exceeding one hundred Birr or arrest not exceeding fifteen days.

### **Article 803.- Failure to Make Compulsory Official Statements or Entries.**

(1) Whoever, apart from the cases punishable under the Criminal Code (Art. 434) or a special provision, omits or fails to make, within the time limits prescribed by law or regulations, an official statement or entry of any nature whatsoever which he is bound to make,

is punishable with fine or arrest not exceeding fifteen days.

- (2) Nothing in this Article shall affect the special provisions dealing with compulsory professional declarations in health matters (Art. 835).

Article 804.- Undue Publications.

Whoever, apart from the cases punishable under the Criminal Code (Arts. 435 and 451), contravenes any official directives, regulations or orders prohibiting the disclosure of acts, deliberations or decisions of an authority,

is punishable with fine or arrest.

Article 805.- Abuse of Right.

Whoever, apart from the cases punishable under the Criminal Code (Art. 436), knowingly continues to exercise a right which he has lost by law or has assigned, or of which he has been debarred or deprived, whether permanently or temporarily, by the declaration of a judicial authority,

is punishable with fine or arrest.

Article 806.- Refusal to Lend Assistance to a Public Authority.

Whoever, apart from the cases punishable under the Criminal Code (Art. 440), on being duly requested or summoned by a representative of a public authority acting in the discharge of his official duties to lend him indispensable help or assistance, with a view in particular to preventing a breach of the peace, the commission of a petty offence or the escape of a petty offender, refuses so to do without any reason of force majeure or the risk of a serious danger to his person or property,

is punishable with fine not exceeding one hundred Birr or arrest not exceeding one month.

Article 807.- Refusal to Obey an Injunction.

(1) A person who, apart from the cases punishable under the Criminal Code (Art. 440), on being duly requested or ordered by a public servant acting in the discharge of his duties, refuses:

(a) to supply his name or identity, his occupation, residence, address or any other particular relating to his personal status, or gives inaccurate information in respect thereto; or

(b) to stop or move on, to free a public thoroughfare, to allow his papers, luggage or any suspicious things he carries about him to be examined, or to comply with any other order of a similar nature,

is punishable with fine not exceeding one hundred Birr or arrest not exceeding one month.

(2) Whoever gives inaccurate information in respect to the particulars specified in sub-article 1(a) of this Article is liable to the same punishment.

## **CHAPTER V**

### **PETTY OFFENCES AGAINST PUBLIC SAFETY, PEACE AND SECURITY**

#### **Section I.- Offence against Public Safety**

##### **Article 808.- Control of Arms and Ammunition.**

Whoever, apart from the cases of traffic punishable under the Criminal Code (Art. 481):

(a) contravenes the laws, regulations or directives concerning the making and declaration, the trade in, possession or delivery, control or use of fire arms or other weapons and ammunition; or

(b) knowingly sells or delivers to persons not entitled to receive them, and in particular to infants or young persons, arms or ammunition or allows them to dispose of them without supervision, is punishable with fine or arrest.

##### **Article 809.- Carrying and Use of Prohibited Arms.**

Whoever is found carrying in a public place an arm which he was not authorized to acquire or entitled to carry, or makes use of an arm, even though authorized, at a time when or in a place where such use is prohibited,

is punishable with fine not exceeding one hundred Birr or arrest not exceeding eight days.

Article 810.- Control of Aliens.

Whoever, apart from the cases specified in Article 243 of the Criminal Code, contravenes the laws, regulations or directives and regulations concerning the transit, declaration, residence, establishment of aliens or their control,

is punishable with fine or arrest.

Article 811.- Unauthorized Change or Assumption of Another Name.

- (1) Whoever with the intention of concealing his identity or of evading control by a competent authority unlawfully assumes a fictitious surname, changes his true name, adds another name thereto or assumes the name of another, is punishable with fine or arrest.
- (2) The lawful use of a professional, literary or other pseudonym or of a recognized nick-name does not fall under this Article.

## **Section II.- Petty Offences against Public Peace, Tranquillity and Order**

Article 812.- Breaches Against Laws Concerning the Mass Media and Advertisements.

Whoever contravenes the laws, regulations or directives concerning the printing, publication, deposit, sale, distribution or control of printed documents, public advertisement, posters, or notices transmitted through the radio, television, the Internet or other public media,

is punishable with fine or arrest.

### **Article 813.- Alarming Announcements, News or Publications.**

Whoever, apart from the cases punishable under the Criminal Code (Art. 485 and 486), announces, spreads, publishes or reports to the



authorities false, exaggerated or biased news intended to or capable of perturbing public order or tranquility,

is punishable with fine or arrest.

Article 814.- False Alarm.

Whoever, by knowingly launching or addressing them unwarranted summons for help, or by conveying them false communications, sets in motion:

- (a) the services of public authorities or public relief departments, transportation, hospitalization or rescue services, police, fire brigade or other similar services; or
- (b) physicians or persons exercising a therapeutic activity,

is punishable with fine or arrest not exceeding fifteen days.

Article 815.- Disturbance of Work or Rest of Others.

- (1) Whoever disturbs the work, rest or tranquillity of others, in particular by brawls and wrangles, shouts, songs, vociferations or uproars, signals, calls or the ringing of bells, or by the abuse of noisy instruments, apparatus, machines or other noise-producing articles,

is punishable with fine not exceeding one hundred Birr.

- (2) If the noise or disturbance is caused at night as defined in the police regulations or by custom, or is willfully caused in the vicinity of hospitals, schools or similar institutions or, generally, if it is caused in a deliberately wicked or mischievous manner,

the Court may impose a fine or arrest not exceeding one month.

Article 816.- Blasphemous or Scandalous Utterances or Attitudes.

Whoever, apart from the cases punishable under the Criminal Code (Arts 492 and 493), in a public place or in a place open to the public or that can be viewed by the public, by gestures or words scoffs at religion or expresses himself in a manner which is blasphemous, scandalous or

grossly offensive to the feelings or convictions of others or towards the Divine Being or the religious symbols, rites or religious personages,

is punishable with fine or arrest not exceeding one month.

Article 817.- Observance of Official Holidays.

Whoever contravenes the laws, regulations or directives concerning compulsory holidays,

is punishable with fine or arrest not exceeding eight days.

Article 818.- Measures against Alcoholism.

Whoever, apart from the cases punishable under the Criminal Code:

- (a) contravenes the laws, orders or regulations concerning the manufacture of and trade in alcohol and distilled beverages; or
- (b) sells, buys or consumes alcohol in a public establishment outside the lawful hours; or
- (c) sells, offers, serves or allows to be served in a public place alcohol in substantial quantities to infants or young persons, persons who are irresponsible, or are manifestly drunk or dangerous; or
- (d) intentionally induces another to become inebriated, inebriates another or himself in a public place or in a place open to the public or that can be viewed by the public,

is punishable with fine or arrest not exceeding one month.

Article 819- Causing Public Scandal while Drunk or Intoxicated.

Whoever, being drunk or intoxicated, causes scandal or disorder or utters threats in a public place,

is punishable with fine not exceeding one hundred Birr or arrest not exceeding eight days without prejudice to safety measures of an administrative nature that may seem justified.

Article 820.- Supervision of Inns.

The owner, manager or keeper who contravenes the laws, regulations or directives concerning inns, eating-houses, hotels and public houses, in particular as regards:

- (a) the right to run such an establishment and the requirements and safeguards applying thereto; or
- (b) the opening and closing hours or any other law, regulation, or rule is punishable with fine or arrest.

Article 821.- Supervision of Theatrical Performances and Entertainments.

The owner, organizer, director, manager or agent who contravenes the laws, regulations or directives concerning theatrical performances and entertainments of any kind whatsoever, in particular in regard to:

- (a) the permission to organize or offer them to the public or the conditions of their management and safeguards relating thereto other than those specified in Article 826; or
- (b) censorship and the prior requirements imposed in the interests of decency, public order or the protection of infants and young persons; or
- (c) opening or closing times or authorized time of performance, or any other law regulation or measure of supervision applying to places or establishments used for public or private theatrical performances or entertainments,

is punishable with fine or arrest.

Article 822.- Scandalous Treatment of animals.

A person shall be punishable with fine or arrest if:

- (a) in a public place or a place open to the public or which can be viewed by the public, and without justification, he commits acts of cruelty towards animals or inflicts upon them ill-treatment or revolting violence or brutality; or
- (b) he organizes shows or entertainments in which animals are treated with cruelty, are mutilated or killed, whether it be fights

between animals or with animals, shooting of captive animals or other petty offences of a similar kind.

### **Section III.- Petty Offences against Public Security**

#### **Article 823.- Petty Offences against other persons' Safety.**

Whoever endangers the safety of another person:

- (a) by setting against him dogs or dangerous animals or by not restraining them to the best of his ability; or
  - (b) by throwing at him stones, hard or cutting objects or any other things or substances capable of causing harm, wounds or injury; or
  - (c) by placing or setting, without previously obtaining permission from the Police or giving public notice, traps, alarm appliances or any other dangerous devices,
- is punishable with fine not exceeding one hundred Birr or arrest not exceeding one month.

#### **Article 824.- Failure to Exercise Proper Supervision over dangerous**

Persons or animals.

Whoever:

- (a) contravenes the laws, regulations or directives or fails to take the necessary precautions, concerning the custody of or supervision over lunatics, irresponsible persons, as well as dangerous or ferocious animals' or
- (b) intentionally omits to warn the competent authority of the escape or running away of such persons or animals,

is punishable with fine not exceeding one hundred Birr or arrest not exceeding one month.

#### **Article 825.- Control of Traffic at Night.**

Whoever fails to comply with orders issued by local authorities regarding curfew and the prohibition or restriction of traffic at night without permission,

is punishable with fine not exceeding one hundred Birr or arrest not exceeding one month.

Article 826.- Supervision of Buildings.

Whoever, apart from the cases punishable under the Criminal Code (Art. 501), contravenes the laws, regulations or directives relating to:

- (a) the erection, upkeep, repair or demolition of buildings of any kind whatsoever, whether public or private; or
- (b) the safety of public places, halls, places or installations used for theatrical performances and entertainments or the holding of meetings, or premises for habitation, trade of industry,

is punishable with fine or arrest.

Article 827.- Control of Streets and Public Places.

Whoever impairs public safety, in particular;

- (a) by depositing, suspending, unloading or throwing at a crossing or a public place or a place accessible to the public materials, garbage, refuse, objects or things of any nature whatsoever capable of causing an appreciable risk or nuisance without observing the relevant directives or taking the necessary precaution; or
- (b) by neglecting to place a warning, notice, or light the materials or objects thus exposed or deposited, or the excavations, erections or works affected in such a place, or by removing or interfering with, without necessity or adequate reasons, lights placed in the interests of the public,

is punishable with fine or arrest.

Article 828.- Endangering Safety of Communications.

Whoever, apart from the cases punishable under the Criminal Code (Arts. 505-513), contravenes the laws regulations or directives relating to the licensing, conditions and supervision of the traffic of pedestrians, animals or vehicles of all kinds, as well as the declaration, equipment, upkeep and use of the latter, is punishable with fine or arrest.

Article 829.- Control of Fire, Explosive and Dangerous Substances.

Whoever, apart from the cases punishable under the Criminal Code (Arts. 494-500):

- (a) contravenes the preventive, protective and safety laws, regulations or directives concerning fires and fire control, in particular in relation to installation, whether electric or other, and to the obligation to insulate, maintain and repair chimneys, furnaces, boilers or apparatus in which fire is used; or
- (b) contravenes the laws, regulations or directives prohibiting against exploding in certain places, or without taking the requisite precautions, mines, bombs, mortars, fireworks or squibs or against launching lighted balloons or against making any similar use of explosive or inflamed materials; or
- (c) contravenes the laws, regulations or directives manufacture or preparation, possession, handing transport, sale, purchase or use of oils and petroleum and their derivatives, gunpowder and all explosive, inflammable, toxic, corrosive or dangerous substances,

is punishable with fine or arrest.

**CHAPTER VI**  
**PETTY OFFENCES AGAINST PUBLIC HEALTH AND HYGIENE**

Article 830.- Control of Public Health and Salubrity.

Whoever, apart from the cases punishable under the Criminal Code (Arts. 514-524), contravenes the directives or regulations regarding:

- (a) the cleanliness, salubrity and hygiene of water and water installation, public places and establishments, houses and habitations, factories, plants and industrial and commercial premises; or
- (b) the prevention, declaration, prophylactic treatment and control of diseases, in particular mental and contagious diseases, epidemics and epizootic diseases;

- (c) the prevention, limit, arrest or the control in general of environmental pollution,

is punishable with fine or arrest.

**Article 831.- Control of Toxic Substances and Drugs.**

Whoever, apart from the cases punishable under the Criminal Code (Art. 525):

- (a) grows, manufactures or prepares, sells, offers for sale, delivers or gives without lawful permission or an express medical prescription, where such are required, plants, substances, medicines or products which are narcotic, toxic, poisonous, noxious or dangerous for the health; or
- (b) in defiance of directives prescribed by law or the directives dictated by common prudence willfully sells, offers for sale or delivers such substances or products, even when their delivery is not expressly prohibited without an authorization, to persons who are irresponsible, to infants or young persons, sick persons who are irresponsible, to infants or young persons, sick persons or individuals for whom they are manifestly dangerous or unsuitable; or
- (c) keeps or handles such substances or products without taking the precaution required by official or professional regulations, custom or the dictates of common prudence, in particular when there is a risk of mistake or confusion; or
- (d) fails to warn other persons of the danger of poisoning or intoxication known to him, when it is his duty and he is able to do so,

is punishable with fine or arrest.

**Article 832.- Rendering another Person Unconscious or Stupefied.**

- (1) A person shall be punishable with fine or arrest when, apart from the cases punishable under the Criminal Code (Arts. 532 and 533), he subjects another person to a treatment or practices of any nature whatsoever abolishing or altering the faculties of consciousness or free determination without being authorized so to do by his professional status and in conformity with generally accepted medical or pharmaceutical practice.

- (2) Medical experiments or hypnotic passes or exercises in hypnotism or transmission of thoughts or conduct from a distance duly authorized and carried out by way of mere entertainment shall not be punishable.

Article 833.- Control of Foodstuffs, Beverages and other Commodities.

Whoever, apart from the cases punishable under the Criminal Code (Art. 527 and 528), contravenes the laws, regulations or directives regarding:

- (a) the permission for the keeping or sale, the transport, preservation, sale and control of foodstuffs, meat, milk, beverages, whether alcoholic or not, commodities and fodder; or
- (b) the opening and closing, running and control of market places,  
is punishable with fine or arrest.

Article 834.- Regulation of the Medical and Therapeutic Professions and Hospitals.

Whoever, apart from the cases punishable under the Criminal Code (Arts. 535 and 536), contravenes the laws, regulations or directives regarding:

- (a) the permission to practice, and the practice of, the medical, pharmaceutical and veterinary professions and auxiliary professions of any kind whatsoever including physiotherapy, natural therapeutics and chiropractic; or
- (b) the sale or delivery of drugs and medicines; or
- (c) the opening, declaration, management or running of places or establishments for cures, whether for outdoor or in-door patients, of any nature whatsoever,

is punishable with fine or arrest.

Article 835.- Failure to Make Compulsory Notifications.

Physicians, dentists, chemists, midwives, veterinary-surgeons and all persons officially authorized to attend patients, who fail to bring to the notice of the competent authority facts which, under law, they are obliged to notify, in particular with a view to preventing the spread of



contagious diseases, drug-addiction, or epizootics, or activities of a criminal nature or dangerous for the community as a whole,

are punishable with fine not exceeding five hundred Birr, or in more serious cases or cases of recidivism, with arrest.

Article 836.- Failure to Afford Attendance.

Physicians, chemists, veterinary-surgeons, midwives or any other person authorized to practice a therapeutic profession who, apart from the cases punishable under the Criminal Code (Art. 537 and 575), fail without lawful cause to attend professionally shall be liable to the penalties stipulated in the preceding Article, when such failure to act entails a danger or a risk for another person.

Article 837.- Regulation of Burials and Cremations.

Whoever contravenes the laws, regulations or directives regarding the exposure of the dead, burials and cremations,

is punishable with fine or arrest.

## **TITLE II PETTY OFFENCES AGAINST PERSONS AND PROPERTY**

### **CHAPTER I GENERAL PROVISIONS**

**Article 838.- General Provision Regarding Petty Offences not Covered Under this Title.**

Whoever, apart from the cases provided by this Code, contravenes the laws, regulations, orders, directives or measures issued for the protection of persons or property,

shall be punishable with fine or arrest to be fixed in accordance with the general provisions of this Code, if his act is not otherwise punishable under the Criminal Code or special legislation.

**Article 839.- General Provision Regarding Participation of a Juridical Person in Petty Offences Under this Title.**

- (1) A juridical person shall be deemed a petty offender and punished in accordance with Article 752 and 768-770, where its official or employee violates one of the provisions in this Title by infringing laws, regulations or directives as a petty offender (Arts. 32 and 34) in connection with the activity of the juridical person with the intent of promoting its interest by an unlawful means or by violating its legal duty or by unduly using the juridical person as a means.
- (2) Where the manager, attorney, member, administrator or member of the controlling or winding-up authority of a juridical person takes part in the commission of a petty offence according to sub-article (1) above due to his position in its management, he shall be punishable in accordance with the relevant provisions of this Title.

**CHAPTER II  
PETTY OFFENCES AGAINST PERSONS**

**Section I.- Petty Offences Relating to the Protection of Persons.**

**Article 840.- Assault and Minor Acts of Violence.**

Whoever, apart from the cases punishable under the Criminal Code (Art. 560 (1)):

- (a) commits an assault or minor acts of violence against another person, without striking or wounding the said person, or
- (b) deliberately or negligently throws at another person filth or an object or liquid likely to inconvenience or soil him,

is punishable with fine not exceeding one hundred Birr or arrest not exceeding eight days.

**Article 841.- Concealment of a Corpse.**

Whoever,

- (a) has hidden, buried, drowned, cremated or caused to disappear in any other manner a still-born child or a child alleged to have been still born, or human corpse, without notifying the fact to the competent authority, or has failed to notify to the said authority of the discovery of a corpse; or
- (b) having wounded or killed another in self defence or in a state of necessity, failed to notify the fact forthwith to the competent authority,

is punishable with fine or arrest.

**Article 842.- Petty Offences against Personal Liberty.**

Whoever, apart from the cases punishable under the Criminal Code (Art. 585), causes an infant, or young person, an irresponsible or mentally deficient person, or a person placed under his authority either by law or otherwise, to be admitted to or detained in a public or private institution, or admits to or detains such an institution contrary to the regulations or safeguards laid down by law,

is punishable with fine or arrest.

**Article 843.- Infringement of the Right to Private Secrecy.**

Whoever, in cases of minor importance or cases of negligence not deserving to be punished under the Criminal Code (Art. 606), violates the right to the secrecy of private life, correspondence or personal matters for whatever motive,

is punishable with fine or arrest not exceeding fifteen days.

**Article 844.- Slight Petty Offences against Honour.**

In cases of slight insult or offensive behaviour not deserving to be punished under the Criminal Code (Art. 615), in particular in the absence of publicity or when the significance of the insult or offensive behavior was not understood by third parties or by the aggrieved party, the Court shall impose a fine not exceeding one hundred Birr or arrest not exceeding eight days, subject to the general provisions relating to exemption from penalty in cases of retaliation or retraction.

## **Section II.- Petty Offences against Morality**

### **Article 845.- Petty Offences against Decency and Morality.**

Whoever, apart from the cases punishable under the Criminal Code (Art. 639-641), intentionally offends morality or decency in a public place or a place within the view of the public,

is punishable with fine or arrest.

### **Article 846.- Immoral Soliciting and Debauchery.**

Whoever in the street or in a public place or in a place accessible to the public:

- (a) with an intent contrary to decency or morality molests a person who is not soliciting; or
- (b) by improper soliciting incites another person to sexual intercourse or to committing an act contrary to decency or acts of debauchery of any kind whatsoever; or
- (c) by engaging in prostitution or debauchery, is a nuisance to the occupiers of the dwelling or the inhabitants of the neighbourhood,

is punishable with fine or arrest not exceeding one month.

### **Article 847.- Advertising for Debauchery.**

Whoever, with a view to encouraging debauchery or satisfying the sexual urge of others, publicly advertises by any means that debauchery may be enjoyed in a particular place,

is punishable with fine or arrest.

### **Article 848.- Publicity relating to Abortion.**

Whoever, apart from the cases permitted by law, advertises or offers for sale means or product designed to cause abortion, or publicly offers his services to perform abortion,

is punishable with fine or arrest.

**CHAPTER III**  
**PETTY OFFENCES AGAINST PROPERTY**

**Section I- Protection of the National Wealth**

**Article 849.- Protection of Historical, Artistic and Natural Riches.**

Whoever, apart from the cases punishable under the Criminal Code, contravenes the laws, regulations or directives:

- (a) protecting the national historical, archaeological and artistic wealth or the natural sites, springs or riches of any nature whatsoever; or
- (b) rendering compulsory the declaration of the discovery of historical, archeological, geographical or natural riches of national interest, or prohibiting, limiting or controlling the trade in, or export of, antiquities or precious or protected objects of any nature whatsoever; or
- (c) punishing anyone who impairs the value, defaces or places in jeopardy an historical or archaeological monument, a natural site or a specifically protected place,

is punishable with fine or arrest.

**Article 850.- Protection of the Flora and Fauna.**

Whoever contravenes the laws, regulations or directives for the protection and safeguard of the national arborescent species, flora and fauna,

is punishable with fine or arrest.

**Section II.- Petty Offences against Property**

**Article 851.- Protection of Public and Private Property.**

Whoever, apart from the cases punishable under the Criminal Code (Art. 685-687), contravenes the laws, regulations or directives protecting public or private property and in particular:

- (a) removes, without due authorization, from a public or private place, earth, stones, wood, sand or materials, grass, hedge, plants or seeds; or
- (b) enters or goes over without being entitled thereto, in any season whatever, enclosed or sown land, or land bearing crops or fruit, or causes or allows his cattle or his mounts to go over such land or pasture thereon; or
- (c) unlawfully enters reserved hunting or fishing land,

is punishable with fine or arrest.

**Article 852.- Petty Theft.**

- (1) Whoever, prompted by need or desire or by lack of conscience, takes a thing of small value belonging to another for his immediate consumption or use,

is punishable with fine not exceeding fifty Birr or arrest not exceeding fifteen days.

The Court may impose no punishment when the petty offender was urged by hardship or need duly proven.

- (2) A petty theft committed to the prejudice of an ascendant, a descendant or a spouse not legally separated shall not be punishable.
- (3) According to the circumstances of the case. custom and the object of the theft, the Court shall appreciate whether the stolen thing must be regarded as of small value and whether an intention to secure an illicit enrichment, which is the constituent element of theft (Art.665) ,must not be admitted.

**Article 853.- Pilfering and Gleaning.**

Whoever in any season of the year:

- (a) without leave takes or gathers in order to eat them on the spot, fruit, berries, grains, vegetables and other agricultural or horticultural products belonging to another person; or

(b) gleans, rakes or picks in fields, orchards or lane owned by another and from which crops have not yet been fully gathered, or does such acts at any time comprised between sunset and sunrise, is punishable under the proceeding Article.

**Article 854.- Unjustified Possession of Suspicious Articles.**

Whoever is found in possession of keys, hooks, pincers instruments or weapons, or securities, articles or objects the origin of which he cannot explain satisfactorily or the use of which he cannot justify,

is punishable with fine not exceeding one hundred Birr or arrest not exceeding fifteen days.

**Article 855.- Failure to Notify the Competent Authority and Concealment of Property.**

Whoever omits to notify the competent authority, as soon as circumstances and material conditions enable him so to do,

(a) upon his finding an object mislaid or lost by another person, or a treasure (Art. 680); or

(b) upon acquiring or receiving in any capacity whatsoever objects of any nature originating, without his knowledge, from a theft or another offence against another person's property, the felonious origin of which he subsequently suspected, knew or ascertained,

is punishable with fine or arrest not exceeding one month.

**Article 856.- Defacement or Depreciation of Another Person's Property.**

Whoever, apart from the cases punishable under the Criminal Code (Art. 689 and 690(1)), defaces or depreciates another person's property, whether by inadequate maintenance of houses, buildings or walls for the upkeep of which he is responsible, by works effected on another person's land, by its obstruction or the obstruction of its ways of access, by the discharge thereon of materials or objects, by the diversion or defective upkeep of water or drains, by bad driving or excessive speed or loading of vehicles or beasts of draught or burden or

mounts, by the unskillful or careless use of arms or instruments, or by any other fault or negligence of which he may be guilty, is punishable with fine or arrest.

**Article 857.- Damage to Public Monuments.**

Whoever, apart from the case of substantial damage to property punishable under the Criminal Code (Art. 690 (2)), soils or defaces monuments, buildings statues or other objects intended for public use or enjoyment,  
is punishable with fine or arrest.

**Section III.- Petty Offences against Property in General**

**Article 858.- Malicious Injury to Another Person's Interests.**

Whoever, without any intent to secure an illicit enrichment, causes another person to do acts detrimental to his proprietary interests or those of a third party by resorting to deceptive or fraudulent methods whether out of malice, intent to injure or for any other reason,  
is punishable with fine or arrest not exceeding one month.

**Article 859.- Filching.**

Whoever, knowing that he is unable to pay, orders or obtains foodstuffs, beverages, accommodation or benefits of any kind whatsoever in establishments such as boarding houses, eating houses, inns or hotels catering for the public,

is punishable with fine or arrest not exceeding one month

**Article 860.- Fraudulent obtaining of other Benefits.**

Whoever fraudulently obtains without payment benefits which he knew to be obtainable only against remuneration, in particular:

- (a) conveyance by public or private means of transport of any kind whatsoever, on land, by air or by water; or
- (b) admittance to a show, entertainment, performance, exhibition or any other similar function organized for profit; or
- (c) obtaining goods supplied by a vending machine,



is punishable with fine or arrest not exceeding one month.

**Article 861.- Quackery.**

Whoever, apart from the cases punishable under the Criminal Code (Art. 700);

- (a) obtains money by taking advantage of the credulity of others by sooth-saying in any form whatsoever, by calling upon spirits, by indicating means for finding a treasure, or in any similar manner; or
- (b) publicly offers, by advertising or otherwise, to resort to such practices for gain,

is punishable with fine or arrest not exceeding one month.

**Article 862.- Unauthorized Collections.**

Whoever publicly collects funds or appeals for money without being authorized so to do by law or the competent authority,

is punishable with fine or arrest.

This Article shall not apply to collection made in buildings dedicated to the practice of religion, or in private, professional sporting or other clubs, societies or circles, in particular if made for purposes of charity or upkeep.

**CHAPTER IV  
PETTY ECONOMIC, TRADE OR MARITIME OFFENCES**

**Article 863.- Breach of the Provisions Concerning the Keeping of Books and Account.**

Whoever, in violation of a duty resulting from law, a regulation or articles of association, fails or neglects to keep regularly and in good order books and accounts, or to keep his correspondence, invoices and other business papers for the prescribed time,

is punishable with fine or arrest not exceeding one month.

**Article 864.- Resistance to Compulsory Execution.**

A debtor or a third party who, apart from the cases punishable under the Criminal Code (Art. 728-730), disobeys an express and legitimate injunction

addressed to him by the prosecuting or liquidation authority, in particular as to his duty:

- (a) of announcing, declaring or producing objects forming part of the assets, even though they are no longer in his possession, or credits, claims, debts, mortgages or any other obligations of the same kind; or
- (b) of answering a regular summons to be heard or appear in the presence of other, attend a meeting, participate in a vote, or exercise any other activity prescribed by the legal provisions relating to proceedings for debt or compulsory execution.

is punishable with fine or arrest not exceeding eight days.

**Article 865.- Violation of Regulations regarding the Merchant Service.**

Whoever contravenes the laws, regulations or directives regarding the merchant service relating to:

- (a) security measures imposed upon the captain, the officers or the crew of a ship in respect of the signaling, inspection, revision or control of the ship; or
- (b) the keeping of logbooks, registers or other documents; or
- (c) the carrying of freight, cargo, mail or passengers, embarkation and disembarkation, loading and unloading, or movement at sea and in ports; or
- (d) hygiene or health,

is punishable with fine or arrest, if no other provision of the Criminal Code or of special legislation is applicable.