

FEDERAL LAW NO (3) OF 1987 ON ISSUANCE OF THE PENAL CODE

We, Zayed Bin Sultan, President of the State of the United Arab Emirates,
Having taken cognizance of the provisional constitution,
Federal Law No. (1) of 1972 concerning the functions of the Ministers, the powers of Ministries
and the laws amending it,
Federal Law No. (9) of 1976 concerning juvenile delinquents and homeless,
And in accordance with the presentations made by the Minister of Justice, approved by the
Council of Ministers and the Federal National Council and ratified by the Supreme Council of the
Federation,
Have promulgated the following Law:

Article (1)

The law attached herewith on crimes and penalties shall be enforced, and any provision
contrary
to its provisions shall be repealed.

Article (2)

Ministers and competent authorities in the Emirates shall, each within his jurisdiction, enforce
this
law.

Article (3)

This law shall be published in the official gazette, and shall take effect three months after the
date
of its publication.

Zayed Bin Sultan Al Nahyan
President of the United Arab Emirates
issued by us at the Presidential Palace in Abu Dhabi.
Dated: 17/4/1408 A.H.
Corresp. to: 8/12/1987 A.D.

VOLUME ONE
GENERAL PROVISIONS
PART ONE
INTRODUCTORY PROVISIONS

Article (1)

Provisions of the Islamic Law shall apply to the crimes of doctrinal punishment, punitive punishment and blood money. Crimes and chastisement punishments shall be determined in accordance with the provisions of this law and other penal codes.

Article (2)

No one shall be condemned for a crime committed by another, and the accused shall be presumed innocent until he is proved guilty.

Article (3)

Provisions of Book One of this law shall apply to crimes provided for in other penal codes, if there is no provision to the contrary.

Article (4)

No punitive measure shall be imposed except in cases and under conditions provided for by the law. Provisions related to punishments shall apply to punitive measures if there is no provision to the contrary.

Article (5)

The following shall ipso jure be considered a public official:

1. Persons entrusted with the public authority and employees working in ministries and governmental departments.
2. Members of the Armed Forces.
3. Chairmen and members of legislative, consultative and municipal councils.
4. Whoever is delegated by any of the public authorities to perform a specific assignment within the limits of the work entrusted to him.
5. Chairmen and members of boards of directors, managers and all other employees working in associations and public corporations.
6. Chairmen and members of boards of directors and all other employees working in associations and public welfare institutions.

Whoever is not included in the categories stated in the preceding clauses and performs work connected with public service in accordance with instructions issued to him from a public official having the authority to give such an instruction according to prescribed laws or regulations, concerning the work assigned to him, shall be considered ipso jure to be entrusted with a public service.

Article (6)

In application of provisions of the preceding Article, it shall be even if the job, work or service is permanent or temporary, with or without pay, voluntary or compulsory.

Termination of a job or service shall not bar the application of provisions of the preceding Article if the crime occurs within the course of employment.

Article (7)

In this law, unless the context otherwise requires, "Government" shall include the Federal Government and the Governments of the Union Emirates.

Article (8)

Provisions contained in this law concerning crimes against the President of the State shall also apply to the crimes committed against the Vice-president of the State and members of the Supreme Council of the Federation.

Article (9)

The following shall, pursuant to this law, be considered means of publicity:

1. By saying or shouting publicly by any mechanical means in a public gathering, in a public road or in a permissible or frequented place or if it is announced by any other means.
2. By actions, signals or gestures if they take place in any of the aforementioned places, or if they are transmitted to any person in such places by any mechanical means or by any other means.
3. By exhibiting writing, drawings, pictures, films, symbols and other means of expression in any of the aforementioned places, by distributing them indiscriminately, by selling them to people, or by offering them for sale in any place.

Article (10)

Unless the law otherwise provides, periods and times in this law shall be computed according to the Gregorian calendar.

Article (11)

In no case shall the provisions of this law prejudice the rights of the parties to a law-suit or others in reimbursement, damages, expenses or any other rights.

PART TWO

SCOPE OF APPLICATION OF THE PENAL CODE

CHAPTER I

VALIDITY OF LAW AS TO PLACE

Article (12)

According to the effective law, a crime shall be punishable at the time of its commitment, and regard shall be had to its determination by the time at which the acts have been carried out, regardless of the time at which the result has been realized.

Article (13)

If a law more favorable to the accused is enacted after the occurrence of a crime and before a final judgment is awarded therein, it shall be applied exclusively.

If a law has been issued after rendering a final judgment, making the act or omission committed by a convict non punishable, the judgment shall not be executed and its criminal effects shall cease to exist, unless the new law provides otherwise.

If a new law provides only for extenuation of a penalty, the court that rendered the final judgment may, at the request of the public prosecution or the convict, review the sentence in light of the provisions of the new law.

Article (14)

With the exception of provisions of the preceding Article, if a law has been issued rendering an act or omission, a criminal offense or aggravating the penalty prescribed thereof, provided that such a law has been issued temporarily for a short period or under exceptional emergency circumstances, the end of the period specified for its validity or cessation of the exceptional circumstances shall not debar filing a criminal action against crimes committed during such a period, nor shall it preclude the execution of a sentence which had been imposed under such a law.

Article (15)

The new law shall apply to any continual or successive crimes committed before it came into effect or crimes which repeatedly reoccur under the law. If a new law amends provisions concerning recidivism or plurality of crimes or penalties, it shall apply to any crime that subjects the accused to provisions of plurality or according to which he becomes a recidivist, even if other crimes have occurred prior to its application.

CHAPTER II

VALIDITY OF LAW AS TO PLACE AND TIME

Article (16)

Provisions of this law shall apply to any one who commits a crime within the territory of the State.

The territory of the State shall include its lands and any place under its sovereignty, including territorial waters and air space above them.

A crime shall be considered to be committed in the territory of the State if any of its constituent acts occurs therein, or if its result has been realized or is intended to be realized therein.

Article (17)

Provisions of this law shall apply to crimes which are committed on board warships and military aircraft bearing the flag of the State wherever they are.

The above-mentioned provision shall apply to non-military governmental ships owned or run by the State for governmental, non-commercial purposes.

Article (18)

Without prejudice to the agreements and treaties to which State is a party, provisions of this law shall not apply to crimes committed on board a foreign ship in any of the State's ports or in its territorial waters, except in the following cases:

1. If the effects of the crime extend to the State.
2. If the crime, ipso facto, disturbs the peace or violates morals or public tranquility in its ports or territorial waters.
3. If the ship captain or consul of the State whose flag is hoisted seeks assistance from the local authorities.
4. If the offender or victim is a citizen of the State.

However, this law shall not apply to crimes committed on board foreign aircraft in the State's air space, unless the airplane lands in any of its airports after commitment of the crime, if the crim

ipso facto, disturbs the peace in the State or violates its public order, if the airplane pilot seeks help from the local authorities, or if the offender or victim is a citizen of the State.

Article (19)

This law shall apply to any one who commits an act outside the State, and thereby becomes a principal or an accomplice to a crime committed wholly or partially inside the State.

Article (20)

This law shall apply to any one who commits an act outside the State, and thereby becomes a principal or an accomplice to any of the following crimes:

1. A crime that violates the external or internal security of the State, its constitutional system, or its lawfully issued securities or stamps, or involves forgery or counterfeit of its instruments or official seals.
2. Forgery, falsification or counterfeit of the State's currency, or circulating or possessing them for the purpose of circulation, whether such acts are carried out inside or outside the State.
3. Forgery, falsification or counterfeit of paper notes or minted coins lawfully circulated in the State, circulating such currencies and coins therein, or possessing them for the purposes of circulation.

Article (21)

This law shall apply to any one who is found in the State, after being involved abroad as a principal offender or an accomplice in an act of sabotage or impairment of international communication systems, crimes of traffic in drugs, women, or children, slavery, acts of piracy or international terrorism.

Article (22)

A citizen who, while in a foreign country, becomes involved in an act which is considered a crime, according to the provisions of this law, whether in his capacity as a principal or accessory, shall be punished according to the provisions of such a law when he returns to the country, provided that such an act is punishable in accordance with the law of the country in which it is committed.

This provision shall apply to any one who acquires the nationality of the State after he commits the act. In applying this Article, whoever has no nationality shall be treated as a citizen if he is a normal resident in the country.

Article (23)

No criminal action shall be instituted against a person who commits a crime in a foreign country except by the public prosecutor. It may not be instituted against any person in whose favor a final acquittal or conviction has been passed by foreign courts, and it is proved that he has served the sentence, if a criminal action or penalty awarded against him has lawfully abated, or if authorities of competent jurisdiction in such a country have filed the investigations. In determining the finality of a judgment, abatement of a legal action or penalty, or filing of an investigation, reference shall be made to the law of the country in which the judgment has been passed.

If a sentence has not been fully served, the period of the sentence shall be completed. However, if a verdict of innocence has been delivered in a crime as provided for in Articles (20) and (21), and the verdict is made on the basis that the crime is not punishable by the law of such a country, a criminal action may be brought against him before the courts of the State, and the court located in the capital of the Federation shall have jurisdiction to hear the case.

Article (24)

Upon execution of a sentence issued against a convict, the period which he has served in custody or in precautionary detention or execution, in a foreign country of a penalty awarded for the crime for which he was convicted, shall be taken into account.

Article (25)

Without prejudice to the provision in the first paragraph of Article (1), this law shall not apply to persons who enjoy immunity in accordance with international conventions or international law or domestic laws, within the territory of the United Arab Emirates.

PART THREE

CRIME

CHAPTER I

CATEGORIES OF CRIMES

Article (26)

Crimes shall be divided into the following categories:

1. Doctrinal crimes.
2. Punitive and blood-money crimes.
3. Chastisement crimes.

Crimes are of three types: felonies, misdemeanors and contraventions.

The category of the crime shall be determined in accordance with the penalty provided thereto by

law, and if the crime is punishable by fine or by blood money with another penalty, its category shall be determined in accordance with the other penalty.

Article (27)

The category of a crime shall not change if the court replaces the punishment determined thereto

with a lighter punishment, whether for legal reasons or for extenuating discretionary circumstances,

unless the law provides otherwise.

Article (28)

A felony shall be a crime punishable by any of the following penalties:

1. Any of the doctrinal punishment or punitive punishments except penalties for drunkenness and defamation.
2. The death sentence.
3. Life imprisonment.
4. Temporary imprisonment.

Article (29)

A misdemeanor is a crime punishable by one or more of the following penalties:

1. Imprisonment.
2. A fine exceeding one thousand Dirhams

3. Blood money.
4. Whipping in punishment for drunkenness and defamation.

Article (30)

Any act or omission punishable by law or regulations by one or both of the following two penalties shall be considered a contravention:

1. Custody for a period not less than twenty-four hours and not exceeding ten days in any of the places designated for that purpose.
2. A fine not exceeding one thousand Dirhams.

CHAPTER II

ELEMENTS OF A CRIME

SECTION 1

PRACTICAL ELEMENTS

1- CONSUMMATE CRIMES

Article (31)

The practical element of a crime consists of a criminal activity resulting from commission or omission of an act where such commission or omission is classified as a criminal offense.

Article (32)

A person shall not be answerable for a crime if it is not a result of his own criminal activity; however, he may be answerable for a crime even if his criminal activity and another preceding, contemporary or subsequent cause have contributed to its occurrence, where such a cause is expected or likely to happen in the ordinary course of things.

However, if such a cause is sufficient per se to produce the result of the crime, the person, shall in

this case be answerable only for the act he has committed.

Article (33)

A transitory crime is one in which a punishable act occurs and ends by its very nature as soon as it is committed.

A transitory crime is a series of consecutive acts, committed for execution of one criminal scheme, directed against one single right, and such acts occur without any lapse of time to sever their linkage.

However, if the act is a continuing process and requires renewed intervention by the offender, the

offence shall be considered to be continual regardless of the continuing effects of a crime after its

being committed in order to give it a continuing nature, provided that such effects remain without intervention by the felon.

2- THE ATTEMPT

Article (34)

An attempt is the commencement of the execution of an act with the intention to commit a crime,

if its effect is prevented for reasons beyond the control of the felon.

Commitment of an act, if in itself it is regarded as a constituent part of the practical element of the crime or gives rise to it immediately and directly, shall be considered commencement of execution.

Neither a mere intention to commit a crime nor preparatory deeds shall be considered an attempt to commit a crime unless the law provides otherwise.

Article (35)

An attempt to commit a crime shall be punishable by the following penalties unless the law provides otherwise:

1. Imprisonment for life if the penalty designated for the crime is the death sentence.
2. Imprisonment for a certain term if the penalty designated for the crime is life imprisonment.
3. Imprisonment for a period not exceeding half of the maximum penalty provided for the crime, or detention if the penalty provided for is imprisonment for a certain term.

Article (36)

The law shall determine those misdemeanors an attempt to commit which is punishable, as well as the penalty for such attempts.

Article (37)

Provisions stipulated for accessory penalties and criminal measures fixed for the consummate crime shall apply to the attempt.

SECTION 2

THE MORAL ELEMENT

Article (38)

The moral element of a crime consists of the intent or error. The intent arises when the culprit's will moves towards the commission or omission of an act, where such commission or omission is

legally defined as a crime, for the purpose of producing a direct effect or any other criminal result

which the offender has expected.

An error arises if a criminal result occurs by reason of the offender's error whether such an error is

negligence, inadvertence, carelessness, recklessness, imprudence or non-compliance with laws,

regulations, rules or orders.

Article (39)

If an act is committed under the influence of a misconception of facts, the liability of a culprit shall

be determined on the basis of the facts he misconceived if they tend to refuse or extenuate his liability, provided that his presumption relies on reasonable grounds and on the basis of investigation and detection.

If the error that makes a culprit consider himself irresponsible arises from his negligence or carelessness, he shall be answerable for an unintentional crime, if the act is punishable by law, on

the basis of such a consideration.

Article (40)

A motive to commit a crime shall be immaterial, unless the law provides otherwise.

Article (41)

A defendant who is ignorant of the aggravating circumstances that change the characterization of a crime shall not be answerable therefore; however, he may benefit from the mitigating factor although he is ignorant thereof.

Article (42)

Ignorance of the provisions of this law shall not be considered an excuse.

Article (43)

An offender shall be answerable for a crime whether he has committed it with or without intention, unless the law explicitly provides for intention.

CHAPTER III

CRIMINAL COMPLICITY

Article (44)

Whoever commits a crime in his capacity as a principal or as an accomplice thereto, shall be considered a felon. A person shall be considered a direct accomplice to a crime in the following cases:

First: If he joins another person in committing the crime.

Second: If he takes part in committing a crime which consists of several acts, and intentionally commits any of its constituent acts.

Third: If he utilizes another person by any means to execute the constituent act of the crime, and the latter person is, for any reason, not criminally responsible therefore.

Article (45)

A person shall be considered an accomplice to a crime by causation:

First: If he abets a crime, and it occurs in accordance with such abetment.

Second: If he conspires with others to commit a crime and it occurs in accordance with such a conspiracy.

Third: If he gives the doer a weapon, tools or any other thing which he knowingly uses in committing the crime, or if he willfully aids the doer by any other means in acts which prepare for, facilitate or complete the act of crime.

An accomplice shall be equally, liable for the crime whether he contacts the principal directly or through an intermediary.

Article (46)

An accomplice by causation who is found at the scene of a crime with the intent to commit it shall

be considered a direct accomplice if it is not committed by another person.

Article (47)

Whoever takes part in a crime in his capacity as a direct or causative accomplice shall receive the

penalty for said crime unless the law provides otherwise.

Article (48)

If any of the accomplices is not punishable, for lack of criminal intent, or for any other particular reasons related to his person the rest of the accomplices shall not benefit there from.

Article (49)

Provided that material circumstances are inherent in a crime or form a component part of its acts which are likely to aggravate or extenuate the punishment, its effects shall apply to any one who takes direct part in commission or in causation of the crime, whether or not he is aware thereof. Personal aggravating circumstances which facilitate the commitment of a crime shall not apply to any one other than the person concerned with them, unless he is aware of them. However, as to other circumstances, their effect shall apply only to the person concerned, whether they are aggravating or extenuating circumstances.

Article (50)

If personal excuses exempting from or extenuating the punishment become applicable to any of the direct or causative accomplices to a crime, the effect thereof shall not exceed the person associated with such excuses.

Material excuses exempting from or extenuating the punishment shall apply to any one who is involved directly or by causation in the commitment of a crime.

Article (51)

A direct or causative accomplice to a crime shall receive the penalty of the crime which has actually been committed, even if it is other than that intended to be committed, whenever the crime which took place is a probable consequence of the complicity that has happened.

Article (52)

If the characterization of a crime or penalty changes in accordance with the intent of a felon who commits a crime or as a result of his knowledge thereof, direct or causative accomplices to a crime

shall each be punished in accordance with his intent or his knowledge thereof.

CHAPTER IV

CAUSES OF PERMISSIBILITY AND EXCESS OF ITS LIMITS

SECTION 1

CAUSES OF PERMISSIBILITY

1- USE OF RIGHT

Article (53)

There shall be no crime, if the act takes place in good faith, in the use of a lawful right, and within the limit of such a right.

The following are considered cases for the use of a right:

1. Punishment by a husband of his wife and punishment by parents and custodians of minor children, within the limits prescribed by Sharia or by Law.
2. Medical surgery and medical treatment in accordance with traditional medicinal standards recognized in medically licensed professions, when they are done with the express or implied consent of the patient or his legal representative, or when medical intervention is essential in emergency cases.
3. Acts of violence which occur during sports within the limits prescribed for such sports, subject, however, to the rules of due care and caution.

4. Acts of violence perpetrated against a person caught red-handed in a crime with the intention of arresting him, subject, however, to the extent necessary for such a purpose.

5. Acts of defamation by litigating parties, during oral or written pleadings before investigation and judicial authorities, within the limits required for such defense, provided that such a party is a bona fide person, believing in the truth of the matters attributed to his adversary, and provided that his belief is based on reasonable grounds.

2- PERFORMANCE OF DUTY

Article (54)

There shall be no crime if the act is done in the performance of a duty imposed by the Sharia or by the law if the person by whom the act is done is legally authorized thereto.

Article (55)

There shall be no crime if the act is committed by a public official or a person entrusted with a public service, in either of the following two cases:

First: If the act is committed in execution of an order issued to him by a person lawfully authorized to issue such an order, and whose obedience is incumbent upon him.

Second: If he commits, in good faith, an act in execution of the law.

3- RIGHT OF PRIVATE DEFENCE

Article (56)

There shall be no crime if the act occurs by exercising the right of private defense. The right of private defense shall arise if the following conditions are fulfilled:

First: If the defender faces immediate danger of a crime against himself, his property, or the person

or property of a third party, or if he believes in the existence of such a danger and his belief is based on reasonable grounds.

Second: If it becomes impossible for a defender to resort to public authorities to prevent the danger in due course of time.

Third: If a defender has no other means to repel such a danger.

Fourth: If defense is necessary to fend off the aggression and is compatible with said aggression.

Article (57)

The right of private defense shall not justify premeditated murder, unless it is intended to fend off

any of the following events:

1. An act which it is feared would cause death or serious wounds, if there are reasonable grounds for such a fear.

2. Forced sexual intercourse with a female, or an indecent assault upon the chastity of any person.
3. Kidnapping of a human being.
4. Crimes of fire, damage, or theft.
5. Breaking by night into an inhabited house or any of its annexes.

Article (58)

The right of self defense shall not legalize resistance against any of the members of public authority while carrying out his duty within the course of his employment unless it is apprehended that such an act may cause death or serious wounds, and there is a reasonable ground for such apprehension.

SECTION 2

EXCESS OF PERMISSIBLE LIMITS

Article (59)

Exceeding the permissible limits in good faith shall be considered an extenuating excuse, and a judgment of pardon may be passed if the judge finds it appropriate.

PART FOUR

CRIMINAL RESPONSIBILITY AND ITS IMPEDIMENTS

CHAPTER I

RESPONSIBILITY OF NATURAL PERSONS

SECTION 1

LOSS OF SENSE OR WILL

Article (60)

A person shall not be criminally responsible if, at the time of crime, he was unconscious or out of his senses because of madness or mental handicap or because of unconsciousness caused by drugs, narcotics or intoxicants of any, whether given to him forcibly or taken by him unknowingly, or for any other cause which has been scientifically proven to obliterate comprehension or will. However, if the insanity, mental disease, drugs, narcotics, intoxicants or other things cause only diminution or weakness in understanding or will at the time of committing the crime, it shall be considered an extenuating excuse.

Article (61)

If the loss of sense or mental power arises from drugs, narcotics or intoxicants taken voluntarily and knowingly by the offender, he shall be punished for the crime that has occurred, even though it requires special criminal intent, as if it were committed without taking narcotics or intoxicants. However, if a culprit has taken drugs, narcotics or intoxicants willfully for the purpose of committing the crime, it shall be considered an aggravating circumstance for the punishment.

SECTION 2

LOSS OF DISCRETION

Article (62)

Criminal action shall not be brought against anyone who, at the time of the crime, has not completed seven years of age. The age shall be verified by an official document, but if such is not available, the prosecuting or judicial authority shall assign a specialist physician to assess the age through technical means.

Nevertheless, the investigation authorities and juvenile courts may order that appropriate educational or therapeutic procedures be taken in the case of such a juvenile, if it considers this to be necessary.

SECTION 3 JUVENILITY

Article (63)

Provisions contained in the law of juvenile delinquents and homeless shall apply to anyone who has completed the age of seven and has not reached the age of eight.

NECESSITY AND COERCION

Article (64)

A person shall not be criminally responsible if he commits crime acting under constraint for protection of himself or his property or the person or property of a third party from serious imminent danger whose occurrence is beyond his own will.

Whoever acts under constraint to commit a crime because of material or moral coercion shall not be criminally responsible.

In both cases stipulated in the two preceding paragraphs, a person who commits the crime must be incapable of preventing the danger by any other means, and the crime shall be proportionate to the extent necessary for defending against it, and compatible with it.

CHAPTER II RESPONSIBILITY OF JURIDICAL PERSONS

Article (65)

Juridical persons, with the exception of the government's concerns and its official departments and agencies as well as public organizations and corporations, shall be criminally responsible for crimes committed by representatives, directors or agents acting in favor of or on behalf thereof. No sentence shall be imposed on them other than a fine, forfeiture and criminal measures provided for the crime by law; however, if the law provides for the crime a principal penalty other than a fine, the penalty shall be limited to the fine, which shall not exceed fifty thousand Dirhams maximum.

This, however, shall not prevent personally punishing the offender with the penalties prescribed for the crime by law.

PART FIVE PENALTIES

CHAPTER I PRINCIPAL PENALTIES

Article (66)

Principal penalties are:

a) Doctrinal penalties, punitive penalties, and blood money.

b) Chastisement penalties are:

1. Death penalty.
2. Imprisonment for life.
3. Imprisonment for a limited term.
4. Detention.
5. Fine.

Article (67)

A death sentence passed by a Federal Court may not be executed until after it is confirmed by the

President of the State.

Article (68)

Imprisonment is to detain a convict in one of the penitentiaries legally designated for such a purpose, for life, if the sentence is life imprisonment, or for a specified term if it is temporary imprisonment.

The term of temporary imprisonment shall neither be less than three years, nor more than fifteen

years, unless the law provides otherwise.

Article (69)

Detention is to place a convict in any of the punitive premises maintained for such a purpose for the term awarded to him.

The minimum period of imprisonment may not be less than a month nor exceed three years, unless the law provides otherwise.

Article (70)

Whoever is sentenced to a custodial penalty shall be instructed to perform the jobs required in punitive facilities, taking into consideration his circumstances, with the intention to correct and qualify him, and an appropriate recompense. Regular reports on him shall be made in order to observe how he behaves, and all this shall be subject to the law governing punitive facilities.

Article (71)

Punishment by a fine is to oblige a convicted person to pay the treasury the adjudged amount.

The

penalty may not be less than one hundred Dirhams nor exceed one hundred thousand Dirhams in

crimes, and thirty thousand Dirhams in misdemeanors, unless the law provides otherwise.

Article (72)

If several persons convicted of one crime have been sentenced in one ruling to pay a fine, whether

they are principals or accessories, the court shall impose the fine upon each one severally.

However, where the awarded fine is proportionate, convicted persons shall be jointly liable for it, unless the law provides otherwise.

CHAPTER II
SECONDARY PENALTIES
SECTION 1
ACCESSORY PENALTIES

Article (73)

Accessory penalties are:

1. Deprivation of some rights and privileges.
2. Placement under police surveillance.

These penalties shall be imposed on the convict ipso jure, without having them stipulated in the text of the judgment in accordance with what is provided for in this section.

Article (74)

Every death sentence shall, ipso jure, from the day it has been passed until its execution, include

deprivation of the victim of all rights and privileges provided for in the following Article, and nullity of all acts of disposition and administration made by him except the will.

The competent court shall appoint a custodian over properties of the convict, and the procedures

of his appointment and determination of his powers shall be subject to the provisions concerning custodianship of persons laid under interdiction.

Article (75)

A life or temporary prison sentence shall, ipso jure, from the time it has been issued, include deprivation of the convict of all the following rights and privileges:

1. to be an elector or member on the legislative or consultative councils.
2. to be a member of municipal councils, boards of directors of public organizations or corporations, or associations or corporations of public welfare or shareholding companies or a manager thereof.
3. to be a guardian, custodian or proxy.
4. to bear national or foreign medals.
5. to bear arms.

The period of deprivation shall not exceed three years from the date of the execution of the penalty.

Article (76)

A convict who has been sentenced to life or temporary imprisonment may not dispose of his properties during the term of his imprisonment without permission from the civil or Sharia Court of

competent jurisdiction in whose circuit the place of his residence is located. Any disposition made

by the convict contrary to the provision of the preceding clause shall be void.

Article (77)

A convict shall select a custodian to administer his properties during the period of his imprisonment, provided that such a custodian be approved by the civil or Sharia court of competent jurisdiction in whose circuit his place of residence is located. However, if selection is not made within a month of the commencement of execution of the imprisonment, such a court shall appoint such a custodian at the request of the public prosecution or any interested person.

The court may oblige the custodian whom it appoints to provide a guarantee. The custodian shall, in all cases, be subordinate to the court in all matters concerning his custodianship, and shall restore the convict's properties after completion of the penalty period, or his release, and the custodian shall present him with a statement of account on his administration.

Article (78)

If the convict who is sentenced to life or temporary imprisonment is a public official or assigned to public service, he shall be removed from such service as a result of the sentence.

Article (79)

Whoever is sentenced to temporary or life imprisonment for a crime affecting the external or internal security of the State, for a crime of counterfeit, falsification or forgery of money or forgery

of stamps, governmental securities or instruments, or for a crime of bribery, embezzlement, theft or willful murder coupled with an aggravating circumstance, shall, ipso jure, be placed under police surveillance according to the rules set down by the Minister of Interior, for a period equivalent to the term of the penalty, provided that it shall not exceed five years.

Nevertheless, the court may reduce the period of surveillance, exempt the convict there from, or reduce its restrictions.

A convict who fails to comply with the conditions of probation shall be punished by imprisonment for a period not exceeding one year and by a fine not exceeding five thousand Dirhams, or by one

of the two penalties.

SECTION 2

COMPLEMENTARY PENALTIES

Article (80)

The court may, upon passing a sentence of imprisonment for a crime, order deprivation of the convict of a right or privilege, or other matters provided for in Article (75), for a period not less than one year and not exceeding three years, commencing from completion of the execution or termination of the penalty for any other reason.

Article (81)

Upon passing a judgment of imprisonment, against a public official for any crime in which the culprit is required to be a public office holder, he may be punished by removal from public office for a period of not less than one year and not exceeding three years.

Article (82)

The court may, upon issuing a conviction for a crime or misdemeanor, confiscate the things seized

as a result of the crime, or which have been used or intended to be used in the crime, without prejudice to the rights of bona fide third parties.

If the manufacture, use, possession, sale or offering for sale of said things is considered to be a crime in itself, the court shall order their confiscation in all cases even if such things are not owned

by the person convicted.

CHAPTER III

STAY OF EXECUTION OF PENALTY

Article (83)

The court may, upon passing a judgment of a disproportionate fine or detention for a period not exceeding one year for a crime, order that execution of the penalty be stayed if it finds that the character of the convict, his past records, his age, or the circumstances in which he committed the crime justify the belief that he will not relapse into a new crime.

The court may include in the stay of execution any accessory penalty except confiscation.

Article (84)

The execution of a penalty may be stayed for a period of three years, commencing from the day on which the judgment becomes final.

Article (85)

A stay of execution may be cancelled in any of the following cases:

First: If, within the period stated in the preceding Article, the convict commits a willful crime for which he is sentenced with a final judgment to a custodial penalty for a period of more than three

months, whether a conviction has been issued during this period or after completion thereof, provided that a criminal action has been revived during such a period.

Second: If, during the period stated in the preceding Article, it appears that, before a stay of execution of the penalty is passed, the convict has been awarded with a judgment, provided for in

the preceding Article, and the court was unaware thereof when it ordered the stay of execution.

The cancellation shall be given by the court that has ordered the stay of execution, at the request

of the public prosecution, after the convict has been summoned to appear.

If the penalty on which the cancellation is based is awarded after the stay of execution, the cancellation may be passed by the court that awarded such a penalty, whether of its own accord or

at the request of the public prosecution, without prejudice to the degrees of litigation.

The cancellation shall result in the execution of the penalty whose execution had been stayed.

Article (86)

Provided that the period mentioned in Article (84) expires without the occurrence of any cause for

the cancellation of the stay of execution, the judgment shall be considered as non-existent.

CHAPTER IV

PLURALITY OF CRIMES AND PENALTIES

Article (87)

If a single act constitutes cumulative crimes, regard shall be had to the crime with the severest penalty, and such a penalty shall be awarded exclusively.

Article (88)

If cumulative crimes have occurred for a single purpose, and they are inseparably linked to each other, they shall be considered a single crime, and the penalty provided for the severest crime shall be awarded.

Article (89)

The award of the penalty provided for the toughest crime in the two preceding Articles shall not conflict with the infliction of secondary penalties provided by law with regard to other crimes.

Article (90)

If the culprit in the case provided for in Article (88) has been sentenced for the crime whose penalty is lighter, he shall, thereafter, be prosecuted for the crime whose penalty is tougher, and in

such a case, the court shall order the execution of the penalty awarded in the latter judgment, and

whatever is effectively executed from the previous judgment shall be deducted.

Article (91)

If a person commits several crimes before he has been sentenced for any of them, and if the conditions provided for in Articles 88 and 89 are not applicable to these crimes, he shall be awarded the penalty prescribed for each of them, and all penalties to which he has been sentenced

shall be prescribed successively executed against him, provided that the total periods of imprisonment only or the total periods of imprisonment and detention combined shall not exceed twenty years, and provided that the period of detention only shall not exceed ten years.

If there are a variety of crimes, the penalty of imprisonment shall be executed, followed by the penalty of detention.

Article (92)

The death penalty shall absorb all other chastisement punishments, except for the two penalties of

proportionate fine and confiscation. The penalty of imprisonment to the extent of its period shall absorb the penalty of detention awarded for a crime which occurred prior to said penalty of imprisonment.

Article (93)

All penalties of fine, accessory penalties and criminal measures, regardless of their plurality, shall

be executed, provided that the total periods of police surveillance shall not exceed five years.

PART SIX**LAWFUL EXCUSES AND DISCRETIONARY, EXTENUATING AND AGGRAVATING CIRCUMSTANCES****CHAPTER I****LAWFUL EXCUSES AND DISCRETIONARY, EXTENUATING CIRCUMSTANCES****Article (94)**

Excuses shall either exempt from or extenuate the punishment. There shall be no excuses except in

cases specified by law.

Article (95)

An exempting excuse shall prevent the issuance of any penalty or measure except confiscation.

Article (96)

Extenuating excuses are, inter alia, the juvenility of the culprit or commitment of a crime for nonmalicious

motives, or in the aftermath of a grave, unjustified provocation on the part of the victim.

Article (97)

If an extenuating excuse exists for a crime punishable by the death penalty, it shall be commuted to life or temporary imprisonment or to a penalty of detention for not less than one year; and if it is punishable by life or temporary imprisonment, it shall be commuted to a penalty of detention for not less than three months unless the law provides otherwise.

Article (98)

If the court finds in a felony that the circumstances of the crime or the culprit call for clemency, it may extenuate the penalty prescribed by law for the felony as follows:

- a) If the penalty prescribed for the crime is death, it may be commuted to life or temporary imprisonment.
- b) If the penalty required for the crime is life imprisonment, it may be commuted to temporary imprisonment or detention for no less than six months.
- c) If the penalty prescribed for the crime is temporary imprisonment, it may be commuted to detention for no less than three months.

Article (99)

If an extenuating excuse becomes available for a misdemeanor, commutation of the penalty shall

be as follows:

- a) If a penalty has a certain minimum limit, the court shall not comply therewith in assessing a discretionary penalty.
- b) If the misdemeanor is punishable by detention and fine together, the court shall apply either one of the two penalties.
- c) If a penalty is detention without a certain minimum limit, the court may commute the sentence to a fine.

Article (100)

If the court finds in a misdemeanor that the circumstances of a crime or culprit call for clemency, it may extenuate the punishment as stated in the preceding Article.

Article (101)

If an extenuating excuse and mitigating circumstance coexist for a misdemeanor, the court may award a judicial pardon in favor of the convict.

CHAPTER II**AGGRAVATING CIRCUMSTANCES****Article (102)**

Without prejudice to the cases in which the law states special causes for severity, the following shall, inter alia, be considered to be aggravating circumstances:

- a) Commitment of a crime for a vicious motive.

- b) Commitment of a crime, by exploiting the victim's mental weakness or his inability to resist, or circumstances where others are unable to defend him.
- c) Commitment of a crime in a savage way or by mutilating the victim.
- d) Commitment of a crime by a public official, by taking advantage of his official authorities or his capacity, unless the law provides a certain punishment, owing to such a capacity.

Article (103)

Where there is an aggravating circumstance, the court may impose the penalty as follows:

- a) If the principal penalty for a crime is a fine, its maximum limit may be doubled or a judgment of detention may be awarded.
- b) If the principal penalty for a crime is detention, its maximum limit may be doubled.
- c) If the principal penalty for a crime is imprisonment with a maximum period of less than fifteen years, the penalty may be imposed to such an extent.
- d) If the principal penalty for a crime is temporary imprisonment with a maximum period, it, may be commuted to life imprisonment.

Article (104)

If a crime not punishable by a fine has been committed with the motive of making a profit, the culprit may, apart from the principal penalty determined for the crime, be awarded with a penalty not exceeding the amount of profit made by him unless the law provides otherwise.

Article (105)

If aggravating circumstances coexist with extenuating excuses or mitigating circumstances in a single crime, the court shall first apply the aggravating circumstances, followed by the extenuating

excuses, then the mitigating circumstances.

Nevertheless, if aggravating circumstances and excuses vary in their effect, the court may give priority to the stronger of the two of them.

CHAPTER III

RECIDIVISM

Article (106)

A person shall be considered a recidivist:

First: If he has been convicted of a crime with a final judgment in a penalty of a crime, and then he

relapses into another crime.

Second: If he has been sentenced to six months' detention or more and then commits a misdemeanor before the lapse of five years from the date of completion of such a penalty.

The case of recidivism shall not arise except where crimes are united as regards premeditation and error.

The court may, in such cases, consider recidivism an aggravating circumstance.

Article (107)

If a recidivist has been previously sentenced to two custodial penalties, both of them for at least one year or with three custodial penalties, one of them, for at least one year for communion or attempt at theft, fraud, breach of trust, forgery or concealment of things resulting from such crimes,

and then relapses into committing or attempting a misdemeanor in any of the aforesaid acts, or in

attempt of any such acts for which he is punishable, after he has been sentenced with the last of such penalties, the court may sentence him to a temporary imprisonment for a period not exceeding five years instead of applying the provisions of the preceding Article.

Article (108)

The court may, in accordance with the provision of the preceding Article, sentence anyone who commits a misdemeanor of the aforesaid acts, after he has been sentenced in any of the crimes provided for in Articles, 305, 424, 426 and 428 for two custodial penalties, both of them for at least one year, or for three custodial penalties, one of them for at least one year.

PART SEVEN

CRIMINAL MEASURES

CHAPTER I

VARIETIES OF CRIMINAL MEASURES

Article (109)

Criminal measures are custodial, disqualifying or material.

SECTION 1

CUSTODIAL MEASURES

Article (110)

Custodial measures are:

1. Prohibiting visits to certain public places.
2. Prohibiting residence at a certain place.
3. Surveillance.
4. Obligation to work.
5. Deportation from the country.

Article (111)

The court may prohibit the convict from frequenting specific public places if the crime occurs under the influence of intoxication or narcotics, and in such other cases as provided by law, for a period not less than one year and not exceeding five years.

Article (112)

Prohibition of residence at a certain place means deprivation of a convict from residing in or frequenting such a place or places specified in the judgment, after his release, for a period of not less than a year and not exceeding five years.

Article (113)

If a person has been sentenced to death or to life imprisonment and if a special pardon has been tendered for abatement of the penalty, partly or wholly, or for commuting it into a lighter penalty, the public prosecution shall apply to the court which passed the judgment to prohibit him from residing in a certain place or places specified by the prosecution for five years unless the tender of pardon provides otherwise. When it passes a temporary prison sentence, the court may prohibit

the convict from residing in a specified place or places for a term equal to the prison sentence imposed on him, provided it does not exceed five years. If the punishment for the crime is detention, the court may prohibit residence for a period not exceeding two years.

Article (114)

The court which passes the judgment may, upon the request of the public prosecution or the convict, reduce the prison, sentence according to the preceding articles, exempt the convict from

the remaining period, or amend the places in which the criminal measures are to be executed.

Article (115)

Surveillance means obliging a convict to comply with the following restrictions in whole or in part,

according to the judgment:

1. He shall not change his place of residence, without the approval of the concerned administrative authority, and if he has no place of residence, said authority shall specify a place for him.
2. He shall present himself before the concerned administrative authority at such periodic terms as fixed by said authority.
3. He shall not frequent places specified in the judgment.
4. He shall not leave his place of residence at night, except by permission of the concerned administrative authority.

Article (116)

If a person has been sentenced to death or to life imprisonment, and a special pardon has been tendered for abatement of the penalty in whole or in part or for commuting it to a lighter penalty, the convict shall, ipso jure, become subject to five years' surveillance as provided for in Articles (1,

2, 4) of the preceding Article, unless the tender of pardon provides otherwise.

Article (117)

If a person has been sentenced to imprisonment for life or for a set term, for a crime affecting the

external or internal security of the State, he shall be under police surveillance for a period not exceeding five years. When the court imposes a custodial penalty for a period not exceeding one

year, it may sentence the convict to a period of probation not exceeding five years and not more than the period of the penalty.

Article (118)

The period of surveillance shall commence from the date fixed in the judgment for execution thereof, and the date given for its completion, shall not be extended if execution thereof becomes

impracticable.

Article (119)

The court shall supervise the execution of the probation in accordance with periodic reports presented to it by the competent administrative authority on the conduct of the convict at least once every three months; however, it may amend or cancel all or some of such restrictions.

Article (120)

Obligation of work is to assign a convict to perform appropriate work in any of the government's institutions or establishments which are designated by a decree issued by the Minister of Justice in

agreement with the Minister of Interior and the Minister of Labor and Social Affairs, in return for one fourth of the remuneration fixed for said work.

Obligation of work shall not apply, except in penalties for misdemeanors and in lieu of the penalty of detention or fine, provided that the period of obligation shall not be less than ten days and not more than one year.

Article (121)

If a foreigner has been sentenced to a custodial penalty in a felony or misdemeanor, the court may

call in its judgment for the deportation of the convicted foreigner from the state. Deportation orders shall also apply to felonies perpetrated on the honor.

The court may, in cases of misdemeanors, order the commutation of a custodial penalty stated for

a misdemeanor to deportation.

SECTION 2

DISQUALIFYING MEASURES AND MATERIAL MEASURES

Article (122)

Disqualifying measures and material measures are as follows:

1. Abatement of custodianship, trusteeship, guardianship or proxy for the absentee.
2. Prohibiting the practice of a specific job.
3. Withdrawal of driving license.
4. Closing the place of business.

Article (123)

Abatement of custodianship, trusteeship, guardianship or proxy from an absentee is the deprivation of a convict of practicing such an authority whether it pertains to self or property.

The abatement shall be for the period determined by the court.

The court may render the abatement limited to certain authorities arising from the custodianship, trusteeship or proxy for an absentee.

Article (124)

If a custodian, trustee, guardian or proxy for an absentee has been convicted for a crime committed by him in breach of the duties of his authorities, the court may order the termination of

his custodianship, trusteeship, guardianship or proxy for an absentee.

The order of abatement shall be mandatory if he commits any crime that makes him incapable of

being a custodian, trustee, guardian or proxy for an absentee.

Article (125)

Prohibiting the practice of any work is the deprivation of the right to practice any profession, trade,

industrial or commercial activity whose practice depends on obtaining a license from the public authority.

Article (126)

If a person commits a crime in violation of the duties of his profession, trade, industrial or commercial activity, and as a consequence has been sentenced to a custodial penalty for a period

of not less than six months, the court may, upon conviction, prohibit him from practicing his business for a period not exceeding two years; however, if he relapses into such a crime within the

next five years after a conclusive judgment of prohibition, the court shall order the prohibition for a period of not less than a year and not exceeding five years.

The period of prohibition shall commence from the date on which the execution of penalty has been completed or expired for any reason.

Adoption of such a measure in lieu of the principal penalty prescribed for the crime shall suffice.

Article (127)

Withdrawal of a driving license shall result in suspending the effect of the license issued in favor of

the convict within a period fixed by the court, provided it is neither less than three months nor more than two years.

Such a measure may be ordered upon passing a judgment of a custodial penalty in a crime committed by means of mechanical transport in breach of obligations imposed by law.

Article (128)

With the exception of the cases where the law provides for closing of a business, the court may, in

a judgment prohibiting a person from practicing his business according to Article (126), order the

closure of his premises where he practices such a business for a period not less than a month and

not more than a year.

The closure shall entail the prohibition of carrying on the same business, commerce or industrial activities on the same premises, whether such a business is undertaken by the convict or by any of

his family members, or any other person to whom the convict has rented or assigned the premises

after the occurrence of the crime. The prohibition shall not involve the landlord of the premises or

any other person who has a real right thereto, if he has no connection to the crime.

CHAPTER II

GENERAL PROVISIONS

Article (129)

Measures provided for in this chapter may not be imposed on a person, if there is no satisfactory

evidence that he has committed an act considered by law as a crime; nevertheless, his condition

calls for application of such a measure in order to preserve public safety.

The case of a culprit is considered to be dangerous to society if it appears from his conditions, his

past, his behavior, or from the circumstances and motives of the crime that there is a serious probability that he would perpetrate another crime.

Article (130)

Any violation of the provisions of the sentence of a criminal measure shall be punished by detention for a period not exceeding one year or by a fine not exceeding five thousand Dirhams.

The court may, in lieu of inflicting the penalty prescribed in the preceding clause, extend the period of the measure for a period not exceeding half of the sentence period and shall not, in any

case, exceed three years, or it may commute it for any of the measures provided for in the preceding chapter.

Article (131)

The execution of measures provided for in this part may not be stayed.

Article (132)

Except for deportation, the court may, at the request of the concerned person or the public prosecution, terminate or amend the scope of any of the measures provided for in the preceding Articles. It may also cancel such an order at any time at the request of the public prosecution. However, if the request referred to in the preceding clause is rejected, it may not be renewed except after the lapse of at least three months from the date of such a rejection.

PART EIGHT**SOCIAL DEFENCE****CHAPTER 1****CASES OF SOCIAL DEFENCE****SECTION 1****MENTAL OR PSYCHIC DISEASE****Article (133)**

If the constituent act at a crime is committed by a person under the influence of derangement or mental handicap, or a psychic disease that rendered him absolutely incapable of controlling his acts, the court shall commit him to a therapeutic institution according to rules laid down by the Minister of Justice in consultation with the Minister of Health.

The same measure shall be adopted with regard to a person who is afflicted by any such conditions after pronouncement of the judgment.

SECTION 2**CRIMINAL HABITUATION****Article (134)**

If recidivism occurs, according to the provisions of Articles (107) and (108) the court may, instead

of inflicting the penalty prescribed therein, decide to regard the recidivist as a habitual criminal, and in such a case, the court shall commit him to any labor institution, in respect of which a decree is laid down by the Minister of Labor and Social Affairs, regulating their construction, organization and treatment of the individuals admitted therein.

If a recidivist has been previously sentenced to the penalty prescribed in either of the two Articles

(107) or (108) and then commits a felony, the court may, instead of sentencing him to the penalty

to which he is liable, decide that he is a habitual criminal, and shall intern him in a labor institution.

SECTION 3**SOCIAL DANGER****Article (135)**

Social danger exists in a person if he is affected by madness or a mental handicap or psychic disease that renders him incapable of controlling his acts, whereby his personal safety or the safety

of others becomes endangered. In such a case, a competent court shall commit him to a therapeutic shelter at the request of the public prosecution.

CHAPTER II

SOCIAL DEFENCE MEASURES

Article (136)

Social defense measures include the following:

1. Internship in a therapeutic shelter.
2. Internship in a labor institution.
3. Surveillance.
4. Obligation to reside in his original place of residence.

Article (137)

A person who has been sentenced to be committed to a mental institution shall be sent to a health

care unit prepared for such a purpose, where he shall receive the care which his case requires.

Health care units are regulated by a resolution issued by the Minister of Health in agreement with

the Minister of Labor.

Where a verdict has been made for commitment of a case to a mental institution, the court of competent jurisdiction shall receive medical reports on the case of the convict at regular intervals,

provided that no such interval may exceed six months. The court may, after taking the opinion of the public prosecution, order the release of the convict if it appears that his condition justifies such release.

Article (138)

In cases where the law provides for commitment to a labor institution, the court shall order such a

measure without fixing the period of commitment.

Those who undertake the administration of the labor institution shall submit to the court of competent jurisdiction, through the public prosecution, periodic reports on the condition of the convict, provided that the intervals at which the reports are sent may not exceed six months.

The

court may, after consultation with the public prosecution, order to release him if it appears that his

condition has improved.

The period of commitment, with regard to a recidivist, may not exceed five years for misdemeanors and ten years for felonies.

Article (139)

Provisions of Article (115) shall apply to the surveillance provided for in this part. The period of surveillance may not exceed three years.

Article (140)

Obligation to stay in one's original place of residence means the return of the person to his original domicile where he used to reside before moving to the place where he became a danger

to social life, for a period not less than six months and not exceeding three years.

Article (141)

The court may, upon violation of the provisions of the measures prescribed in this part, extend the

period of a measure for a term not exceeding half of the period of the sentence.

Article (142)

Execution of social defense measures may not be stayed.

PART NINE**GENERAL AMNESTY, REMISSION FROM PENALTY AND JUDICIAL PARDON****Article (143)**

General amnesty for a certain crime or crimes shall be granted by an ordinance, and shall involve

the lapse of criminal action or quash of the conviction, considering all such crimes or crime as nonexistent, and abatement of all principal and accessory penalties and criminal measures. It shall

have no effect on penalties and criminal measures that have previously been executed.

Article (144)

If a general amnesty has been granted by an ordinance for part of the penalties awarded, it shall, in

effect, be considered a special pardon and its provisions shall apply thereto.

Article (145)

A special pardon shall be granted by a decree and shall involve abatement of the penalty awarded

by a federal judicial authority in whole or in part, or it shall be commuted for a lighter penalty prescribed by the law.

A special pardon shall not involve abatement of secondary penalties or other criminal effects or criminal measures, unless the decree provides otherwise.

A special pardon shall have no effect on penalties previously executed.

Article (146)

Abatement of a penalty or criminal measure by a special pardon shall be considered ipso jure executed.

Article (147)

Apart from cases where there is a special express provision to this effect, the judge may grant a pardon to the culprit for misdemeanors in any of the following cases:

a) If a culprit has not completed twenty one years of age when he committed the criminal act, and

has never been previously convicted of another crime.

b) If the misdemeanor is one of abuse or battery, and the assault was reciprocal.

The judge shall, in case of pardon, advise and direct the culprit in the manner he deems fit, and shall warn him that in future he shall not benefit from any new pardon.

Article (148)

The pardon, whatever its kind, shall be without prejudice to the rights of the parties to a legal action or to the rights of others.

VOLUME TWO**CRIMES AND PENALTIES**

PART ONE

CRIMES AFFECTING THE SECURITY AND INTERESTS OF THE STATE

CHAPTER I

CRIMES AFFECTING THE EXTERNAL SECURITY OF THE STATE

Article (149)

Every citizen who, in any manner, joins the armed forces of a country at war with the State or an armed force of a group hostile to the State, shall be punished by the death sentence.

Article (150)

The following shall be sentenced to death:

1. anyone who interferes, for the sake of an enemy, in a plan to shake the faith of the armed forces, or to weaken their morale or resistance.
2. anyone who, at the time of war, instigate soldiers to join the service of any foreign country or facilitate such an action for them.
3. anyone who, deliberately and in any manner interferes in recruiting troops or men, or amassing funds, supplies, equipment or arrange any such things for the benefit of a country at war with the State or for the benefit of a group hostile to the country.

Article (151)

The death penalty shall be awarded to anyone who aids the enemy, facilitates his entry of the State's territory, or surrenders to him a part of its lands, cities, ports, fortresses, an installation, site, store, factory, ship, airplane, or any means of transport, arms, ammunitions, weapons, military equipments, supplies, foods, or any of the things prepared for defense or used in connection therewith

Article (152)

A life or term imprisonment shall be imposed upon any one who willfully helps the enemy by transmitting information to him or by guiding him.

Anyone who offers a service to an enemy to obtain a benefit, interest, or promise made to himself

or to a person appointed by him for that purpose, whether directly or indirectly, and whether the benefit or interest is material or non-material, shall be sentenced for a period not exceeding ten years.

Article (153)

Anyone who facilitates the escape of a prisoner of war or any of the detained citizens of an enemy

shall be punished by imprisonment for a period not exceeding ten years.

A maximum period of five years' imprisonment shall be awarded to anyone who provides shelter,

food, clothes or any other form of assistance to any of the enemy's soldiers or agents, or knowingly helps him to escape.

Article (154)

A death penalty shall be inflicted upon any one who seeks to collaborate with a hostile foreign country or anyone who works for its interest, or communicates with any hostile side to assist in its

war operations or to jeopardize the war operations of the State.

Life imprisonment shall be inflicted upon any one who seeks to collaborate with a foreign country

or anyone who works for its benefit, or who communicates with any of them to carry out hostile activities against the State.

Article (155)

A maximum five years' imprisonment, if the crime occurs during peace time, and a minimum five years' imprisonment, if the crime occurs in war time, shall be inflicted upon:

1. whoever seeks to collaborate with a foreign country, or anyone who works for its benefit or communicates with any hostile side, in order to prejudice the State's military, political or economic position.

2. whoever willfully destroys, conceals, embezzles, or forges papers or documents, knowing that

they affect the security of the State or any other national interest. However, if the crime is committed for the purpose of causing damage to the State's military, political or economic position, or for the purpose of causing damage to its national interest, or if the crime is committed

by a public official or by a person assigned to perform a public service, it shall be considered an aggravating circumstance.

Article (156)

Life imprisonment shall be imposed upon any person who is entrusted to negotiate with a foreign

government or an international organization in relation to any of the State's affairs, and who then

willfully conducts the negotiations against its interest.

Article (157)

Whoever requests, accepts, or takes for himself or for another person, even through an intermediary, from a foreign country or from anyone who works for its benefit, a gift or advantage

of any kind, or has been promised any such things with the intention to commit a harmful act to prejudice the national interest of the State, shall be punished by temporary imprisonment and a fine not less than ten thousand Dirhams and not exceeding what he has requested, accepted, taken

or been promised. Life imprisonment and a fine not less than ten thousand Dirhams and not exceeding what he has requested, accepted, taken or what been promised shall be imposed upon

the culprit if he is a public office holder or entrusted to perform a public service, or if the crime is committed during war time.

The same penalty shall be imposed upon any one who gives promises or offers any of the aforesaid things with the intention to commit a harmful act against the national interest of the State,

even if what he gives promises or offers is not accepted.

The same penalty shall apply to any one who mediates in any of the aforesaid crimes. If the request, acceptance, promise, offer or mediation is in writing, the crime shall become fully perpetrated upon dispatching the letter.

Article (158)

A death penalty or life imprisonment shall be inflicted upon any one who hands over or discloses, in any manner or through any means, to a foreign country, or to any of the persons working for its benefit, a secret related to the State's defense, or if, by any means, he has obtained any such secrets for the purpose of handing it over or disclosing it to a foreign country or to any of the persons working for its benefit, as well as anyone who destroys for the benefit of a foreign country a thing which is considered to be a secret of the State's defense, or if he makes it unfit for use.

Article (159)

A maximum ten years' imprisonment shall be imposed upon any public official or a person assigned to a public service, who divulges any of the State's defense secrets entrusted to him. A penalty of five years' imprisonment minimum shall be awarded if the crime occurs during war time.

Article (160)

Imprisonment for a minimum period of six months and a maximum period of three years shall be imposed upon:

1. anyone who, through any unlawful means, obtains one of the State's defense secrets and does not intend to surrender or disclose it to a foreign country or to any of the persons working for its benefit.
2. anyone who, by any means, discloses one of the State's defense secrets.
3. anyone who installs or uses any means of communication, with the intention to obtain, hand over or announce any of the State's defense secrets.

A prison sentence not exceeding ten years shall be awarded, if the crime occurs during war time.

Article (161)

Life or temporary imprisonment shall be imposed upon any one who deliberately destroys, spoils or breaks down a weapon, ship, airplane, machine, installation, means of transport, public utility, ammunition, supplies, medicines, or other things which are prepared for the State's defense or used in connection therewith.

The same penalty shall be imposed upon any one who willfully mismanufactures or misrepairs any of the things stated in the preceding Article, as well as anyone who willfully acts in a manner that makes them unfit for their intended use, although temporarily, or results in damage.

The death penalty or life imprisonment shall be awarded if the crime is committed during war time.

Article (162)

Whoever, by himself or through an intermediary, during war time, whether directly or through another country, exports goods or products or other items from the State to a hostile country, or imports any such materials from such a country, shall be punished by temporary imprisonment and by a fine not exceeding double the value of the things exported or imported, provided that it not be less than ten Dirhams.

The materials related to the crime shall be confiscated; otherwise, the culprit shall be sentenced to an additional fine equivalent to the value of such things.

Article (163)

Punishment by imprisonment for a period not exceeding ten years and by a fine not less than ten thousand Dirhams and not exceeding one hundred thousand Dirhams shall be imposed upon any

one who, during war time, either by himself or through mediation, engages in any of the commercial activities which are not mentioned in the preceding Article with the subjects of a hostile country.

The materials involved in the crime shall be confiscated; otherwise, the culprit shall be sentenced

to an additional fine equivalent to the value of such things.

Article (164)

Temporary imprisonment shall be imposed upon any one who willfully, during war time, fails to perform all or some of the obligations imposed upon him by a contract for undertaking a job, transport, supply, obligations or public works which he has concluded with the government, for the requirements of the armed forces, or for protection of civilians, or for supplying them or if he commits an act of fraud in performing such activities.

However, if the crime is committed with the intention to prejudice the defense of the State or the operations of the armed forces, the death penalty or life imprisonment shall be awarded.

The provision of the preceding two clauses shall apply to subcontractors, agents and brokers if the

failure to perform the obligation or the commission of fraud in its performance is imputed to their acts.

Article (165)

If the failure to perform all or some of the obligations referred to in the preceding Article is caused

by negligence or default in performance of a duty, a penalty of detention and a fine not exceeding

one hundred thousand Dirhams, or either one of the two penalties, shall be awarded.

Article (166)

Anyone who, without permission from the government, mobilizes soldiers or commits any other hostile act against a foreign country which may expose the country to the danger of war or cause

severance of diplomatic relations, shall be sentenced to prison for a maximum of ten years.

However, if such an act leads to the outbreak of war or severance of diplomatic relations, it shall be regarded as an aggravating circumstance.

Article (167)

Whoever, during war time, willfully announces false or biased news, statements or rumors, or circulates inflammatory propaganda causing damage to the military preparations of the State's defense or to the military operations of the armed forces, or incites panic among people, or weakens the morale of the State, shall be imprisoned for a maximum of ten years.

Temporary imprisonment shall be imposed, if the crime has been committed as a result of communication with a foreign country. And if the crime has been committed as a result of communication with a hostile state, life imprisonment shall be imposed.

Article (168)

Detention and a fine, or either one of these two penalties shall be imposed upon anyone who:

1. flies over any area of the State's territories in violation of the prohibition imposed by the competent authorities.
2. photographs films or makes drawings or maps of sites or places contrary to a prohibition issued by the competent authorities.
3. enters without permission from the competent authorities into a fortress, a defense installation, barracks, a place where armed forces have camped or settled, a military or commercial vessel, aircraft, military vehicle, or military workshop, place or factory in which any activity for the benefit of the State's defense is being carried out, if such a place is out of bounds to the public.
4. is found in any place in which residence is prohibited by the military authorities. If a crime is committed during war time, or by using any means of deception, fraud, disguise or concealment of identity, nationality, profession or capacity, a penalty of imprisonment for a period not exceeding five years shall be inflicted, and in cases where the two circumstances coexist, a limited prison term shall be awarded. Attempt to commit misdemeanors provided for in this Article shall be punished by detention or by a fine.

Article (169)

Whoever publishes, announces, delivers to a foreign country or any one working for its benefit, in any way or manner, and by any means, news, information, items, correspondence, documents, maps, drawings, pictures or other things related to government departments or any of the authorities stated in Article (5), provided that publication or announcement of such things is prohibited by the competent authority, shall be punished by detention and a fine or by one of these two penalties.

Article (170)

Any of the following shall be considered secrets of the State's defense:

1. Military, political and economic information which are ipso facto unknown except to persons who have such a capacity ex officio, and which the interest of the country's defense requires that it remain undisclosed to others.
2. Correspondence, written instruments, documents, drawings, maps, designs, pictures and other things whose disclosure might lead to divulging information such as those referred to in the preceding clause, and which the interest of the country's defense requires that they shall remain secret to persons other than those who are assigned to preserve or use them.
3. News and information related to the armed forces, their formations, maneuvers, ammunition, supplies, personnel and other things affecting military affairs, and war plans, unless written permission to publish and announce such things has been issued by military authorities.
4. News and information related to measures and procedures which are adopted to detect crimes provided for in this chapter, and arrest of culprits as well as news and information related to the investigation and trial proceedings, if the announcement thereof, is prohibited by the competent authority.

Article (171)

A person shall be punished in his capacity as an accomplice by causation in the crimes provided for in this chapter if he:

1. is aware of the culprit's intention and supplies him with assistance, means of subsistence, lodging, shelter, a meeting place or other facilities, or carries his letters, facilitates his search for the subject of the crime, concealed him, transports him or serves him with information.
2. knowingly conceals things who used or prepared for use in the commitment of the crime or resulted therefrom.
3. spoils, embezzles, conceals or purposely alters a document which helps to facilitate the detection of the crime or evidences thereof, or punishment of the culprit.

Article (172)

If anyone participates in a criminal conspiracy, whether for the purpose of committing crimes such as those provided for in this chapter, or for utilizing them as an instrument to achieve the purpose intended by the criminal conspiracy, he shall be punished by temporary imprisonment or detention.

Whoever aids or abets a conspiracy shall be punished by temporary imprisonment.

Nevertheless,

if the purpose of the conspiracy is to commit one single crime or to utilize it as an instrument to achieve the intended purpose, he shall receive the penalty prescribed for such a crime.

Whoever invites another to join in such a conspiracy, even if his invitation is not accepted, shall be punished by detention.

Article (173)

An offender, who takes the initiative to give judicial or administrative authorities any information known to him before the attempt to commit a crime and prior to the investigation, shall be exempted from penalties prescribed for crimes stated in this chapter.

The court may grant pardon from the penalty if the tip-off occurs after the execution of the crime, and prior to the investigation. The court may also commute the penalty if a culprit provides assistance to the competent authorities, during investigation or trial, in arresting any of the offenders.

CHAPTER II**CRIMES AFFECTING THE STATE'S INTERNAL SECURITY****Article (174)**

Anyone who forcibly attempts to overthrow or take over the state regime shall be sentenced to death.

Article (175)

The death penalty shall be imposed on anyone who commits aggression against the safety of the

President or against his freedom, or deliberately exposes his life or freedom to danger. This provision shall apply to the same crimes committed against the vice-president or members of the Supreme Federal Council.

Article (176)

Anyone who publicly insults the President, flag or the national emblem of the State, shall be punished by detention.

Article (177)

Whoever resorts to violence, threat or any other illicit means to force the President of the State to violate or omit any of the functions lawfully entrusted to him shall be punished by temporary or life imprisonment.

Article (178)

A prison sentence not exceeding ten years shall be imposed on anyone who resorts to violence, threat, or any other illicit means to force the prime Minister, his deputy, any of the ministers, the chairman of the Federal National Council or any of its members to violate or neglect any of the functions legally entrusted to him.

Article (179)

The death penalty shall be imposed upon anyone who commits an act of aggression against the safety or freedom of the president of a foreign country, or if he willfully exposes his life or freedom to danger. Legal action in crimes provided for in this Article shall not be filed except by the attorney general.

Article (180)

Whoever establishes, founds, organizes, or administers an association, corporation, organization or any branch thereof, with the aim of overthrowing the regime of the State, or publicizing it where the use of force is noticeable, shall be punished by temporary imprisonment.

Whoever joins an association, corporation, organization or d branch thereof, or whoever knowingly participates in any of them, shall be punished by imprisonment for a period not exceeding five years.

Whoever receives or obtains funds of any kind from a person or body abroad, whether directly or through an intermediary, shall be punished by detention or by a fine or by either one of these two penalties, if the purpose of this is to publicize any of the things provided for in this Article.

Article (181)

Whoever establishes, institutes, organizes or administers, in the State without license from the government, an association, corporation, or organization of an international character or any branch thereof, shall be punished by detention for a period not exceeding six months or by a fine

not exceeding three thousand Dirhams.

The maximum penalty shall be doubled if the license has been obtained according to false statements.

Whoever joins an association, corporation, organization, or any branch of the above mentioned, shall be punished by detention for a period not exceeding three months or by a fine which does not exceed two thousand Dirhams.

Article (182)

In all cases stated in Articles (180, 181), the court shall order the dissolution of the associations, corporations, organizations or branches mentioned therein, and the closing of their premises.

In all cases mentioned in the preceding paragraph, the court shall confiscate cash, effects, papers

and other things which were used in the commission of the crime, or which may be found in the places designated for the meetings of such associations, corporations or organizations, or their branches. It shall also confiscate all property which forms part of the convicts estate if it is proved

that such property is, in effect, a source designated for spending on said associations, corporations, organizations or branches.

Article (183)

Life imprisonment shall be inflicted upon any one who, for a criminal purpose, assumes the command of a unit or division of an army, part of a fleet, a warship, aircraft, military post, port or town without instructions from the government, or without legal grounds.

Whoever, in spite of an order issued to him from the government, remains in charge of a military command, and any commander of a military force who retains such a force after an order of the government has been issued to dissolve it, shall be punished by the same penalty.

Article (184)

Any person having the right to command members of the armed forces or policemen, and requests

or instructs them to disobey the orders of the government, if it is for a criminal purpose, shall be punished by temporary imprisonment.

If the crime results in a failure to execute government orders, he shall be punished by the death penalty or by life imprisonment. Subordinate warrant officers or troop commanders who have obeyed him shall be punished by temporary imprisonment if they were aware of his criminal intention.

Article (185)

Whoever incites soldiers to disobey orders or to abandon the performance of their military service

shall be punished by imprisonment for a period not exceeding ten years.

Article (186)

Whoever forms a gang that has assaulted a group of people, or offered armed resistance to public

authority men in order to prevent the execution of laws, and whoever becomes a leader or commander of such a gang, shall be punished by the death penalty or by life imprisonment.

Whoever joins such a gang and does not participate in its formation nor becomes a commander thereof, shall be punished by life or term imprisonment.

Article (187)

The death penalty or life imprisonment shall be imposed upon any one who assumes for himself the command of an armed gang, takes charge of any command therein, or manages its movements

or systems for the purpose of capturing or plundering territories or properties owned by the State

or by a group of people, or for the purpose of resisting the military force ordered to pursue the

perpetrators of such crimes. Others who are regarded as members of such a gang shall be punished by temporary imprisonment.

Article (188)

Life or term imprisonment shall be imposed upon anyone who knowingly supplies the gang mentioned in the previous Article, or gives them weapons, equipment or tools to assist them in realizing their objective, or sends them supplies or raise funds for them, or is involved in criminal communications of any kind with the leaders or directors of such a gang, and anyone who, knowing their purpose and character, provides them with houses or places in which to take refuge or hold their meetings.

Article (189)

Life or temporary imprisonment shall be imposed upon anyone who attempts by force to occupy any of the public buildings allotted for governmental departments or for any of the authorities mentioned in Article (5).

If a crime is committed by an armed gang, the person who forms the gang, assumes its leadership or assumes any command therein shall be punished by the death penalty or by the life imprisonment.

Article (190)

Detention shall be imposed upon anyone who purposely damages public buildings or properties owned or allotted for governmental departments, or for any of the authorities stated in Article (5).

A penalty of temporary imprisonment not exceeding five years shall be awarded if the crime leads to disruption of a public utility or public welfare services, or if it exposes the life, safety or security of the people to danger.

A sentence of life or term imprisonment shall be awarded if the crime occurs at a time of agitation or incitement, or for the purpose of provoking panic or confusion among people.

The provision of this Article shall apply to demolition or damage of mobile health installations or units, materials, the instruments they contain, damaging anything therein, or making it unfit for use; in all such cases, the culprit shall be required to pay the value of the thing he has spoiled.

Article (191)

Whoever abets committing any of the crimes provided for in Articles (174, 175, 177, 178, 183, 184, 186, 187) and clause three of Article (190), shall be punished by imprisonment for a period not exceeding five years, if no effect results from such abetment.

Article (192)

Whoever takes part in a conspiracy for the purpose of committing any of the crimes provided for in

the preceding Article or for using them as instruments to achieve the intended purpose, shall be punished by imprisonment for a maximum of five years, and by term imprisonment, if he abets a conspiracy or plays a significant role in managing its movement.

Nevertheless, if the purpose of the conspiracy is to commit a certain crime, or to use it as a means

for the intended end, and its penalty is lighter than that provided in the preceding two clauses, a penalty tougher than that prescribed for such a crime shall not be inflicted.

Pardon from the penalties prescribed in the first three clauses shall be granted to any culprit who takes the initiative to inform the judicial or administrative authorities of the existing conspiracy and participators involved therein, prior to the commencement of committing any of the crimes provided for.

Article (193)

Whoever manufactures or imports explosives without obtaining a license therefore shall be punished by life or term imprisonment.

Imprisonment for term shall be inflicted upon any one who possesses or obtains explosives without a license therefore.

Any substance that forms a component part of an explosive as determined by a resolution issued

by the concerned Minister, as well as equipment, machines and tools which are used in connection with its manufacture or explosion shall be regarded, ipso jure, as an explosive.

Article (194)

The death penalty shall be inflicted on any one who uses explosives in to commit any of the crimes provided for in Articles (189, 190).

Article (195)

Punishment by term imprisonment shall be inflicted upon any one who willfully uses or attempts to use explosives in a manner that exposes the lives of people to danger.

Article (196)

If someone willfully uses or attempts to use explosives, and such use exposes the property of other

people to danger, he shall be punished by imprisonment for a period not exceeding ten years. If the explosive causes serious damage to such properties, a term of imprisonment shall be inflicted.

Article (197)

If, by any means of publicity, someone incites or abets others not to comply with the laws or tempts them to do any act which is legally considered a crime, he shall be punished by detention.

Article (198)

Punishment by imprisonment for a period not exceeding one year and by a fine not exceeding five

thousand Dirhams, or by either one of these penalties, shall be inflicted upon any one who, by any

means of public publicity, abets hatred or contempt of a sect of people if such abetment leads to disturbance of public security.

Article (199)

The court may award the death penalty in any crime provided for in this chapter if it occurs during

war time for the purpose of aiding the enemy or causing damage to the military operations of the armed forces, and if it is capable of achieving the intended purpose.

Article (200)

No sentence shall be inflicted upon any one who joins gangs, associations, corporations or organizations provided for in this chapter, if he is not in charge of any leadership or command,

and if he abandons them at the first warning given to him by civil or military authorities, or after being served with a writ of warning, if he has been arrested at a place away from the meeting places, and without resistance. In such two cases, he shall only be punished for crimes that he may

have committed personally.

Article (201)

Pardon shall be granted to any offender involved in one of the crimes provided for in this chapter,

who informs judicial or administrative authorities of the commission of any crime before its detection; however, if he informs them after detection of a crime, the court may exempt him from punishment if the information leads to the arrest of the other offenders.

CHAPTER III

CRIMES AFFECTING THE NATIONAL ECONOMY

Article (202)

Whoever by any means destroys a factory or any of its annexes or facilities, or a warehouse for raw

materials, products, consumable commodities or any other movable or immovable properties prepared for execution of the development plan, shall be punished by a term of imprisonment.

Article (203)

Whoever, through any means of publicity abets the withdrawal of moneys deposited with public banks or monetary funds, or selling or abstaining from purchasing state securities and other public

stocks, shall be punished with a prison term not exceeding one year.

CHAPTER IV

COUNTERFEIT OF CURRENCY AND GOVERNMENT SECURITIES

Article (204)

Life or term imprisonment and a fine shall be imposed on anyone who counterfeits, falsifies or forges, in any manner whatsoever, whether by himself, or by means of another, a currency note or

coin legally circulated in the State or in another state or a governmental security.

A coin shall be considered a falsification if any of its metal has been decreased, or if it is coated with paint making it similar to another more valuable coin.

Article (205)

The penalty stated in the preceding Article shall be imposed on anyone who brings into the country, by himself or by means of another, or takes out there from, any of the currencies or securities mentioned in the preceding Article if such currencies or securities are counterfeit or forged and whoever circulates, deals with or possesses any such things for the purpose of circulation or dealing therewith, while knowing of such counterfeit, forgery or falsification.

Article (206)

If there results from the crimes provided for in the preceding two articles a drop in the price of the

national currency or governmental securities, or if confidence in local or overseas markets is shaken, a sentence of life imprisonment shall be imposed.

Article (207)

Detention for a period not exceeding one year or a fine not exceeding five thousand Dirhams, shall be imposed on whoever knowingly circulates, brings back into circulation, or brings into the country, a metal coin or note currency which is no longer in circulation.

Article (208)

Whoever, in good faith, accepts a counterfeit or forged coin, paper currency or governmental security, and puts them back into circulation after knowing of such counterfeit, forgery or falsification, shall be punished by imprisonment for a period not exceeding three months or by a fine not exceeding two thousand Dirhams.

Whoever refuses to accept a valid national currency at its lawfully denominated value shall be liable to the same penalty.

Article (209)

Whoever manufactures machines, tools or other things designed for counterfeit, forging or falsifying any of the things stated in Article (204) or obtains such things with the intention to use them for such a purpose shall be punished by detention for a period not exceeding five years. Whoever possesses such machines, tools or things knowing of such a matter shall be punished by detention.

Article (210)

Any culprit, who takes the initiative to inform judicial or administrative authorities, before putting a counterfeit, forged or falsified currency or security to use, and prior to the detection of the crime,

shall be granted pardon from the penalty. If he informs them after detection of the crime, the court

may grant him pardon from the punishment if such information leads to the arrest of the other culprit.

CHAPTER V**FORGERY****SECTION 1****FORGERY AND IMITATION OF SEALS, MARKS AND STAMPS****Article (211)**

A prison term shall be inflicted upon any one who counterfeits or forges, by himself or by means of another, the seal of the State, the seal or signature of the President of the State, Rulers of the Emirates, seals, stamps, emblems of the government, its departments, administrations, or any of the

authorities stated in Article (5), the seal, signature or mark of any of its officials, or the governmental hallmark of gold, silver or other heavy or valuable metals.

The same penalty shall be inflicted upon any one who uses or brings into the country any of the above things, knowing of its counterfeit or forgery.

Article (212)

If crimes indicated in the preceding Article are committed in respect of seals, stamps or marks pertaining to a juridical person other than those indicated above, a penalty of detention shall be awarded.

Article (213)

Punishment by detention shall be inflicted upon any one who unjustifiably uses the seal of the State, the seal of the President of the State, the seal of any of the Rulers of the Emirates, any of the seals, stamps or marks of the government, its departments, its administrations, or any of the authorities stated in Article (5), or the seal of any of its officials, causing damage to a public or private interest.

Article (214)

Whoever counterfeits, imitates, forges, or falsifies metal plates or other marks issued by governmental departments in execution of laws, rules or regulations, shall be punished by detention for a period not exceeding one year or by a fine not exceeding five thousand Dirhams. The same penalty shall apply to any one who uses any of such things, knowing of its counterfeit or forgery, and to anyone who unjustifiably uses any such proper plate or mark.

Article (215)

Punishment by detention for a period not exceeding six months or by a fine not exceeding three thousand Dirhams, shall be inflicted upon any one who distributes or offers for sale printed matter or models, regardless of the manner in which they are made, which apparently resembles governmental marks or stamps of the Postal and Telecommunications Authority or those issued in any of the member countries of the International Postal Union. International Postal Coupons are considered, ipso jure, subject to the provisions of said marks and stamps.

SECTION 2**FORGERY OF INSTRUMENTS****Article (216)**

Forgery of an instrument is a change of its genuineness by any of the means stated hereinafter, resulting in damage, for the purpose of using it as a valid instrument.

The following are considered means of forgery:

1. introducing a change into an existing instrument by addition, deletion or alteration, whether in writing, numbers, marks, or in photographs appearing therein.
2. Putting a forged signature or seal, or alteration of a true signature, seal, or thumb-print.
3. Obtaining, by means of surprise or fraud, a signature, seal or thumb-print of a person without his knowing the contents of the instrument or without validly giving consent thereto.
4. Fabricating or counterfeiting an instrument and attributing it to a third party.
5. Blank filling of a signed, sealed or thumb-printed paper without the consent of the person who signed, sealed or thumb-printed it.
6. Disguising or substituting the identity of a person in an instrument made to verify its truth.
7. Alteration of truth in an instrument made for verifying its contents.

Article (217)

Unless otherwise provided, forgery of an official instrument shall be punished by imprisonment for a period not exceeding ten years, and forgery of an unofficial instrument shall be punished by detention.

Article (218)

An official instrument is that in the writing of which an ex officio public official interferes in any manner, or to which he gives an official character.

Except for this, all other instruments shall be considered unofficial instruments.

Article (219)

A prison sentence not exceeding five years shall be inflicted upon any physician or midwife who knowingly issues a false certificate or statement concerning a case of pregnancy, birth, illness, deformity, death or other cases related to his profession, even if the act takes place as a result of a request, recommendation or intercession.

Article (220)

Imprisonment for a period not exceeding two years or a fine not exceeding ten thousand Dirhams

shall be imposed upon anyone who, in cases concerning proceedings of death, succession or testament before the competent authority to issue a doctrinal certificate, confirms untrue statements on facts required to be proven although he is ignorant of their truth, or knows that they

are untrue, where the certificate notification is issued on the basis of such statements.

Article (221)

Detention for a period not exceeding two years or a fine not exceeding ten thousand Dirhams shall

be inflicted upon anyone who gives a false statement on his place of residence, and who assumes

a name other than his own, in a judicial or administrative inquiry.

Article (222)

Whoever knowingly uses a forged instrument shall be punished by the penalty prescribed for the

crime of forgery as the case may be.

Whoever uses or unjustifiably benefits from a genuine instrument in the name of another person shall be punished by the same penalty, as the case may be.

Article (223)

Provisions contained in this section shall not apply to cases of forgery provided for in special punitive laws.

CHAPTER VI

EMBEZZLEMENT AND DAMAGE TO PUBLIC PROPERTY

Article (224)

A prison term shall be inflicted upon any public official or person assigned to public service who misappropriates property held in his possession ex officio or by reason of his assignment.

Article (225)

A term of imprisonment shall be inflicted upon any public official or person assigned to public service who takes advantage of his position and unjustifiably embezzles the property of the State

or the property that belongs to any of the authorities stated in Article (5) or facilitates this matter for

other persons.

Article (226)

Imprisonment for a period not exceeding five years shall be inflicted upon any public official or a person assigned to public service and having concern with the collection of taxes, fees, fines or the like, who knowingly seeks to take what is not due, or in excess of what is due.

Article (227)

Punishment by term imprisonment shall be inflicted upon any public official or person assigned to public service who has been entrusted to safeguard the interest of the State, or any of the authorities stated in Article (5), in a transaction, operation, or case, and who willfully prejudices such an interest in order to gain advantage for himself or for another person.

Article (228)

A prison term shall be inflicted upon any public official or person assigned to public service who is concerned with the preparation, administration or performance of job contracts, supplies, works or contracts related to the State, or any of the authorities indicated in Article (5), who gains directly or through a mediator from any of said works, or obtains for himself or for another a commission on any matter pertaining to said works.

Article (229)

A prison term not exceeding five years shall be inflicted upon any one who willfully commits an act of fraud in performing all or some of the obligations imposed upon him in a job, a supply contract, or other administrative contracts concluded with the Government or any of the authorities provided for in Article (5). A prison term shall be awarded if the crime involves serious damage, or if the purpose of the contract is to provide defense and security requirements provided that the culprit is aware of such a purpose.

Sub-contractors, agents and brokers shall be punished by either one of the two penalties - as the case may be - if fraud is imputed to their acts.

Article (230)

Apart from the penalties prescribed for crimes indicated in this chapter, the culprit shall be sentenced to restitution and a fine equal to the amount of the property involved in or resulting from the crime.

CHAPTER VII**STRIKE AND VIOLATION OF WORK PROGRESS****Article (231)**

If at least three public employees leave their place of work or willfully abstain from performing any of their duties, based on a mutual agreement among them or seek to achieve an illicit purpose, each of them shall be punished by detention for a period not exceeding one year. Punishment by imprisonment shall be awarded if such leaving or abstaining exposes peoples' lives, health or security to danger, causes disturbance or incitement among people, causes disruption to another public interest, or if the culprit is an abettor.

Article (232)

Whoever violates public officials' right to work by using violence or threat or any other illicit means shall be punished by detention.

Article (233)

Any contractor or someone in charge of the administration of a public utility who unjustifiably suspends work, causing disruption to the performance or regularity of public service shall be punished by detention or by a fine.

PART TWO**CRIMES PERTAINING TO PUBLIC OFFICE****CHAPTER I****BRIBERY****Article (234)**

A prison term shall be imposed upon any public official or person assigned to a public service, who solicits or accepts for himself or for another person, any gift or privilege of any kind, or any promise thereof. in return for the performance of an act or its omission in breach of his duties. If the act or omission is a duty, punishment shall be imprisonment for a period not exceeding ten years.

Article (235)

A prison sentence not exceeding ten years shall be imposed upon any public official or person assigned to a public service who requests or accepts, for himself or for another, a gift or advantage

of any kind due to completion of or abstention from an act in breach of his duties. If the act or omission is a duty, punishment shall be by detention.

Article (236)

A prison sentence not exceeding five years shall be imposed upon any public official or person in

charge of a public service who requests or accepts, for himself or for another, a gift or advantage of

any kind or promise of any such things for performance of or abstention from an act which is not included in his duties.

Article (237)

Confinement shall be the punishment imposed upon whoever offers a public officeholder or person entrusted with a public service, even if he has not accepted his offer, a gift or advantage of

any kind or promise of any such things, in return for doing or refraining from doing any act in breach of his duties.

The same penalty shall apply to any one who intercedes to influence the briber or the bribed to offer, demand, accept, receive or promise a bribe.

Article (238)

A convict shall be sentenced to a fine equivalent to what he has demanded or accepted, provided

that in all cases shown in the preceding Articles of this chapter, the fine shall not be less than one

thousand Dirhams. A judgment shall also be passed for the confiscation of a gift accepted by or offered to a public office holder or a person entrusted with a public service

Article (239)

A briber or an intermediary who takes the initiative to inform judicial or administrative authorities of the crime or who confesses his crime before the case comes before the court shall be exempted from punishment.

However, if the confession is made after the court becomes aware thereof, it shall be considered an extenuating excuse.

CHAPTER II**ABUSE OF OFFICE AND MISUSE OF AUTHORITY****Article (240)**

Detention shall be the punishment imposed upon any public officeholder or person in charge of a public service who arrests, detains or remands a person in cases other than those provided for in the law.

Article (241)

A public office holder or a person in charge of a public service shall be punished by detention for a period not less than one year if he knowingly searches a person, his house or his place of work in cases other than those provided for in the law, or in violation of conditions contained therein.

Article (242)

A prison term shall be imposed upon any public office holder who uses torture, force or threat, by himself or by another, against a defendant, a witness or an expert, causing him to confess to a crime or to make statements or give information in respect thereof, or to suppress any such matters.

Article (243)

A prison sentence not exceeding five years shall be imposed upon any public office holder who punishes or orders a convict to be punished by a penalty tougher than that to which he has been sentenced or by a penalty to which he has not been sentenced.

Article (244)

A prison sentence not less than one year and not exceeding five years shall be passed against any public office holder concerned with the administration or superintendence of any penitentiary establishment or institution designated for the enforcement of criminal or social defense measures, if he agrees without a warrant from the competent authority to commit any person to such an institution, if he detains him in custody for a period longer than that specified in the warrant, or if he refrains from execution of an order to release him.

Article (245)

A prison sentence not less than one year and by a fine not less than ten thousand Dirhams or by either of these two penalties shall be passed against any public office holder or person in charge of a public service who causes harassment to people, offends their sense of decency, or causes bodily pain to them by exploiting the power of his office.

Article (246)

Punishment by detention shall be passed against any public office holder who exploits the power of his office by suspending or disrupting the execution of laws, regulations, rules, decisions or orders issued by the government or any judgment or order passed by any competent judicial authority, or by delaying the collection of funds, taxes or fees due to the government.

Article (247)

Punishment by detention or by a fine shall be passed against any employee in post, telegraph or telephone offices, and against any public office holder or person in charge of a public service who opens, destroys or conceals a letter or telegraph posted or delivered to any of the said offices, if he facilitates this matter for others, or if he discloses a secret contained in a letter, telegraph, or telephone call.

CHAPTER III

TRESPASS ON EMPLOYEES

Article (248)

Punishment by detention or by a fine shall be passed against anyone who uses force or violence or threat against any public office holder or a person in charge of a public service, with the intention of forcing him unjustifiably to act or omit any of his office duties, but fails in his attempt; however if he attains his objective, he shall be punished by imprisonment for a period not less than one year.

Punishment by detention for a period of not less than six months shall be awarded, if the crime is committed premeditatedly or by more than one person apparently carrying weapons, or if battery has accompanied the offence.

Article (249)

Punishment by imprisonment for a period not exceeding two years or by a fine not exceeding twenty thousand Dirhams shall be passed against anyone who trespasses on a public office holder or a person in charge of public service, or if he resists him forcibly or violently, while or because of doing duties in the course of his office or service. However, he shall be punished by imprisonment for at least a period of six months, if trespass or resistance involves battery. If any of the crimes cited in this Article is committed premeditatedly, or by more than one person or by a person apparently carrying a weapon, it shall be considered an aggravating circumstance.

CHAPTER IV

ASSUMPTION OF OFFICES AND CHARACTERS

Article (250)

Punishment by imprisonment for term or by detention shall be passed against anyone who assumes any of the public offices. The same penalty shall apply to any one who interferes in a public office or service, or performs any of its duties or prerequisites without having any competence or instruction to do so, in order to achieve an illicit purpose, or to obtain for himself or for others any kind of advantages.

Article (251)

Detention for a maximum of one year or a maximum fine of ten thousand Dirhams shall be imposed upon whoever publicly and unjustifiably wears official attire which the law exclusively

designates for a certain category of people, whoever wears the uniform of a rank higher than his, and whoever wears a medal, ribbon, badge or sign of an office, or assumes any of the officially recognized scientific or university titles or any of the military ranks or public parliamentary capacities. This provision shall also apply if the uniform, medal, etc. belongs to a foreign country.

Article (252)

In cases provided for in the preceding two Articles, the court may order the circulation of the text of a judgment or an abstract thereof by any appropriate means of publication, at the expense of the convicted person.

PART THREE

CRIMES AFFECTING JUSTICE PROCEEDINGS

CHAPTER I

PERJURY, FALSE OATHS AND ABSTENTION FROM TESTIFYING

Article (253)

If anyone perjures himself before a judicial authority or panel having jurisdiction to hear testimony after taking an oath, or if he denies the truth or suppresses some or all of the facts relevant to the case for which he is being interrogated, whether such a person is a competent or incompetent witness, and whether his testimony is admissible or not in such proceedings, he shall be punished by detention for at least three months.

If such an act occurs during inquiry into a crime or criminal trial, he shall be sentenced to imprisonment for a term. If such perjury results in a death penalty, or life imprisonment, the perjurer shall be punished by the same penalty.

Article (254)

Pardon from a penalty shall be granted to:

- a) A witness who testifies in a criminal investigation, if he retracts his perjury before the end of the investigation and before he is denounced.
- b) A witness who testifies in any trial if he retracts his perjury before any judgment on the merits of the case, even if it is not final.

Article (255)

Pardon from a penalty shall be granted to:

A witness who - if he tells the truth - may suffer serious damage which affects his freedom or honor, or may endanger his wife, even though they are divorced, or any of his ascendants or descendants, siblings or in-laws at the same degree of relationship.

A witness who divulges before the courts his name, surname and nickname when he is not supposed to give his testimony as a witness, and who has been warned that he may abstain from testifying if he wishes to do so.

In both the preceding cases, if a perjury subjects a person to criminal prosecution, he shall be punished by imprisonment for a period of at least six months.

Article (256)

A penalty shall be commuted to half against the person who due to his abetment, perjury is committed if a witness inevitably subjects him or any of his relatives to damage, as that explained

in the first paragraph of the preceding Article, if he tells the truth.

Article (257)

An expert who is appointed by a judicial authority in a civil or criminal action, and who knowingly resolves a matter contrary to the truth, shall be punished by detention for a period of at

least one year, and shall be precluded from being an expert in future.

The expert shall be sentenced to imprisonment for term if his duty involves a crime.

Provisions of the preceding two paragraphs shall apply to an interpreter who willfully translates incorrectly in a civil or criminal action.

Provisions of Article (255) shall apply to the expert and the translator.

Article (258)

Punishment by imprisonment for a period not exceeding five years, shall be inflicted upon any medical officer or midwife who requests or accepts for himself or for another a gift or advantage of

any kind or promise of any such things in return for giving false testimony in respect of gestation,

birth, sickness, disability or death or if he testifies to this as a result of a request, recommendation

or intercession.

Provisions of the second paragraph of Article (253) shall apply to this case.

Article (259)

Without prejudice to the provision of Article (243), punishment by detention for a period not exceeding one year and by a fine not exceeding five thousand Dirhams shall be inflicted upon any

one who uses torture, force or coercion, or who offers a gift or advantage of any kind or promise of

any such things, in order to coerce another to suppress any matter, or who makes untrue statements before any judicial authority.

Article (260)

Detention for a period not exceeding two years or a fine not exceeding ten thousand Dirhams, shall be imposed upon any litigant in a civil proceeding who has been under obligation to take an

oath, or it was reversed to him, and swore a false oath.

A felon shall be exempted from a penalty if he tells the truth after false oath taking and before a judgment is passed on the merits of the case in which the oath was taken.

Article (261)

Detention for a period not exceeding one year and a fine not exceeding five thousand Dirhams, or

either of such two penalties, shall be imposed upon anyone who has been called upon to give evidence before any of the judicial authorities, and who abstains from taking the oath or giving testimony, unless the abstention from testifying is due to an acceptable excuse.

The offender shall be exempted from punishment if he retracts his refusal before a judgement in the action is passed.

CHAPTER II

INFLUENCE ON JUDICATURE AND ITS DEFAMATION

Article (262)

Detention for a period not exceeding one year and a fine not exceeding ten thousand Dirhams, or

either of such two penalties, shall be imposed upon any one who, by any means of publicity,

attempts to prejudice the dignity of the judge or any member of the public prosecution in respect of any case.

Article (263)

Punishment by detention or by a fine shall be inflicted upon any one who, by any means of publicity, publishes matters for the purpose of engendering influence on judges who have been vested with the duty to dispose of a case before them, on members of the public prosecution, or on others who are investigators, experts, or witnesses who might be summoned to testify in a case or investigation.

The same penalty shall apply to any one who, by any means of publicity, publishes matters for the purpose of precluding any person from disclosing information to the competent authorities, or to influence public opinion in favor of or against any party to the legal action or investigation. If the published matters are false, the culprit shall be punished by detention and a fine.

Article (264)

Detention for a period not exceeding one year or a fine not exceeding ten thousand Dirhams shall

be imposed upon anyone who, by any means of publicity, publishes:

1. News in respect of a current investigation into a crime or any of the documents relevant to such an investigation, if the investigation authority has prohibited the publication of any such news.
2. News in respect of investigations or proceedings in cases of pedigree, marriage, child custody, divorce, maintenance costs (alimony), separation, adultery, defamation or disclosure of secrets.
3. Names or pictures of juvenile delinquents.
4. Names or pictures of victims of crimes involving a breach of honor.
5. Names or pictures of convicted persons with a stay of execution.
6. Court deliberations.
7. News in respect of cases which courts have decided to hear in secret sessions or whose publication they have prohibited.

Article (265)

The aforesaid penalty shall be imposed upon any one whom, by any means of publicity, and in bad faith, publishes the proceedings of the court hearings in a dishonest manner.

CHAPTER III

INTERRUPTION OF LEGAL PROCEEDINGS

Article (266)

Punishment by detention shall be inflicted upon any one who, for the purpose of obstructing justice, changes the identity of persons, places or things, conceals exhibits of a crime, or knowingly adduces false information about them.

Article (267)

Detention for a maximum period of one year or a fine not exceeding five thousand Dirhams, shall

be inflicted upon any one who conceals, destroys, or takes possession of an instrument, document, or any other thing submitted to any of the investigation authorities, or in connection with a legal action before any of the judicial authorities for the purpose of obstructing justice or misleading an investigation authority.

This provision shall apply even if such an instrument, document or item is left in possession of the person who produces it, until a subsequent request.

Article (268)

Unless otherwise provided in the law, anyone who has been instructed by law to produce an instrument or any other thing favorable to establishing proof of a fact before the court and abstains

from doing so shall be punished by detention for a maximum period of six months or by a fine not

exceeding five thousand Dirhams.

Article (269)

Detention for a maximum period of two years and a fine not exceeding twenty thousand Dirhams,

or either of such two penalties, shall be inflicted upon any one who in bad faith commits an act which tends to obstruct the proceedings of execution on attached property in accordance with a judicial order by moving, concealing, disposing, destroying or changing the features of such property.

The previous penalty shall apply even if the act is done by the owner or receiver of the property.

Article (270)

The penalty provided in the preceding Article shall apply to any public official or person assigned

to a public service who deliberately and unjustifiably abstains from executing a judgment or order

issued by any court, after the lapse of eight days from serving him with a writ of execution, when the execution of said judgment or order comes within his jurisdiction.

Article (271)

A prison sentence shall be imposed upon any one who conceals the corpse of a person who died

as a result of an accident, and anyone who buries such a corpse before obtaining a burial permit

from the competent authorities shall be detained.

CHAPTER IV

ABSTENTION FROM NOTIFICATION OF CRIMES

Article (272)

Any public official or person in charge of detecting crimes and arresting the accused, who fails or

defers to denounce a crime within his knowledge, shall be punished by detention or a fine.

A fine shall be imposed upon any official who is not in charge of detecting or seizing crimes, and who neglects or delays to notify the concerned authorities of a crime which becomes known to him, in the course of or in respect of his job performance.

There shall be no punishment if submittal of a legal action in either of the cases provided for in the

preceding two paragraphs, is dependent on a complaint.

Exemption from the penalty provided for in the second paragraph of this Article may be granted if

the official is a spouse of the offender, or one of his descendants, ascendants, brothers, sisters or in

laws having the same degree of relationship.

Article (273)

Anyone who, during practice of his medical or health profession, examines a corpse or gives first aid to a seriously injured person, and the body carries marks indicating that his death or injury was caused by a crime, or if it appears from other circumstances that the cause of death or injury is suspicious and he fails to inform the authorities thereof, shall be punished by detention for at least one year and by a fine of at least twenty thousand Dirhams, or by either one of these two penalties.

Article (274)

Whoever becomes aware of a crime and abstains from informing the concerned authorities shall be punished by a fine not exceeding one thousand Dirhams. Exemption from such a penalty may be granted if the person concerned is a spouse of the offender or one of his descendants, ascendants, brothers, sisters or persons having the same degree of relationship by marriage.

CHAPTER V**FALSE NOTIFICATION****Article (275)**

Whoever notifies judicial or administrative authorities of non-existent accidents or hazards, or of a crime knowing that it has not been committed, shall be punished by detention for a period not exceeding six months and by a fine not exceeding three thousand Dirhams, or by one of these two penalties.

Article (276)

Detention, a fine, or one of these two penalties shall be imposed upon any one whom, in bad faith, gives a false report to judicial or administrative authorities concerning commission by a person of an act or omission which entails a criminal punishment or administrative disciplinary action, even if no criminal or disciplinary action follows, as well as anyone who, contrary to the truth, fabricates material evidences on the commission of a crime by a person, or caused legal proceedings to be taken against a person, knowing of his innocence.

Detention or a fine shall apply to both cases if the fabricated crime is a felony; if the fabrication leads to a criminal judgment, the fabricator shall be punished by the same penalty.

CHAPTER VI**UNSEALING AND TAMPERING WITH PRESERVED ITEMS****Article (277)**

Whoever removes, opens or destroys any of the seals placed by order of a judicial authority or administrative agencies on a business shop or papers or other things, or if, by any means, the purpose of putting such seals is thwarted, shall be punished by detention for a period not exceeding one year and by a fine not exceeding ten thousand Dirhams or by one of these two penalties.

Punishment shall be by detention if the culprit is the receiver himself.

If the culprit, in commission of a crime, resorts to acts of violence and seeks the assistance of other persons, such a case shall be considered an aggravating circumstance.

Article (278)

Detention for a period not exceeding five years shall apply to any one who removes, destroys or unjustifiably takes possession of papers, documents or things under judicial or administrative attachment, or deposited in accordance with a judicial or administrative order in places designed for their custody, or handed over to a person charged with their preservation.

Punishment by imprisonment for a term shall apply if the felon is the receiver or the person charged with the preservation of such things.

If the felon, in commission of a crime, resorts to acts of violence against other persons, it shall be

considered an aggravating circumstance.

Article (279)

Anyone charged with preservation of a stamp placed in accordance with a judicial or administrative order, and or causes by his negligence, any of the crimes mentioned in the preceding two Articles, shall be punished by detention for a period not exceeding six months and

by a fine not exceeding five thousand Dirhams, or by one of these two penalties.

CHAPTER VII

ESCAPE OF ACCUSED AND CONVICTED PERSONS

Article (280)

Whoever escapes after being arrested, detained or placed under protective custody in accordance

with the law shall be punished by detention for a period not less than two years.

Punishment by detention shall apply if the crime is committed by two or more persons, or by threat or by violence against persons or things.

Punishment by imprisonment for a period not less than five years shall be inflicted if the crime is committed by use of a weapon or by the threat to use it.

Article (281)

If anyone is in charge of guarding, watching, transporting or escorting an arrested person, who absconds by the farmer's act of negligence, he shall be punished by detention for a period of not

more than two years or by a fine not exceeding twenty thousand Dirhams if the fugitive is sentenced to the penalty for a felony or accused of a felony; however, in other cases, sentence shall be punishment by detention for a period of not more than six months, or by a fine not exceeding five thousand Dirhams.

Article (282)

Whoever is instructed to guard, watch over, transport or escort an arrested person, and assists, facilitates or conspires to aid in his escape, shall be punished according to the following provisions:

If the absconder is sentenced to death, the penalty shall be term imprisonment for a period of not

less than five years.

If the absconder is sentenced to temporary or life imprisonment or if he is accused of a crime punishable by the death sentence, the penalty shall be imprisonment for a period of not more than seven years, and in other cases, the penalty shall be detention.

Article (283)

Any public office holder or official assigned to a public service who is charged with the arrest of a person and neglects the execution of such a duty with the intention of assisting him to escape justice, shall be punished by the penalties provided for in the preceding Article as the case may be.

Article (284)

Whoever enables or assists an arrested person to escape, in cases other than those mentioned in the preceding Articles, shall be punished according to the following provisions:

If the fugitive is sentenced to death, the penalty shall be imprisonment for a period of not less than five years.

If the fugitive is sentenced to life or term imprisonment, or if he is convicted of a crime with a death sentence, the penalty shall be imprisonment for a period not exceeding five years. In other cases, the penalty shall be detention for a period not exceeding three months.

If a crime is committed by two or more persons by using or threatening to use violence against persons or things, or by using or threatening to use weapons, it shall be considered an aggravating circumstance; however, in no case shall the penalty exceed the maximum limit prescribed for the crime committed by the escapee.

Article (285)

Whoever supplies an arrested person with weapons or tools to use them in escaping, shall be punished by detention for a period of not less than five years.

Article (286)

Whoever hides or screens by himself or through an intermediary a person who has absconded after his arrest a person accused of a crime, or a person whose writ of arrest is issued against him, and anyone who knowingly assists him in any manner whatsoever to escape from justice, shall be

punished according to the following provisions:

If the person, who has been hidden, screened or provided with aid to abscond from justice was sentenced to death, the penalty shall be imprisonment for a period not exceeding seven years, and

if he was sentenced to life or term imprisonment, or was convicted of a crime with a death sentence, the penalty shall be imprisonment for a period not exceeding five years.

However, in other cases, the penalty shall be detention for a period not exceeding three months.

If the crime has been committed by two or more persons under threat or by an act of violence against persons or things, or by using or threatening to use weapons, it shall be considered an aggravating circumstance.

Article (287)

Whoever, being aware of the commission of a crime, knowingly assists a felon to escape from justice by hiding criminal exhibits or by providing false information in respect thereof knowing that they are untrue, or helps him in any other manner, shall be punished according to the following provisions:

If the fugitive from justice has been convicted of a crime with a death sentence, the penalty shall be detention.

In all other cases, the penalty shall be punishment by detention or by a fine.

PART FOUR

CRIMES OF PUBLIC HAZARD

CHAPTER I

ASSAULT ON MEANS OF COMMUNICATION AND PUBLIC UTILITIES

Article (288)

Life imprisonment shall be imposed upon any one who assaults an airplane or ship with the intention of capturing it or capturing all or some of the goods carried on board, causing injury to one or more of the passengers on board, or with the intention of illegally changing its route. The same penalty shall apply if the act is committed by a person on board the airplane or ship. If a culprit returns the airplane or the ship to its legal pilot or to the person who is legally entitled to take possession thereof immediately after capturing it and no damage has been caused to it or to

the goods carried on board, or injury to the persons on board, the penalty shall be punishment by

imprisonment for a period not exceeding five years.

Article (289)

A term of imprisonment shall be imposed upon any one who willfully endangers in any manner whatsoever, the safety of a ship, airplane or any means of public transport.

The crime shall be punishable by life imprisonment if the act results in a disaster to any of the aforesaid things.

Article (290)

Punishment by detention and by a fine shall be inflicted upon any one who causes damage to a public road, airplane, vault, or navigable water course.

The penalty shall be life or term imprisonment, if the culprit uses detonation or explosives to commit the crime.

Article (291)

A prison sentence not exceeding seven years shall be imposed upon any one who willfully disrupts any public means of transportation via land, sea or air.

Article (292)

Detention, a fine, or either of these two penalties shall be imposed upon any one whom, by his own fault, causes an accident to any land, sea or air public means of transportation, which would

jeopardize its traffic or expose the lives of persons to danger.

The penalty shall be punishment by imprisonment if the act results in a disaster.

Article (293)

Anyone who willfully endangers the safety of any private means of transportation in any manner whatsoever shall be punished by detention.

Article (294)

Anyone who willfully removes, breaks, destroys or incapacitates any equipment or signals designated for prevention of accidents shall be punished by imprisonment.

However, punishment by term imprisonment shall be inflicted if the crime results in a disaster.

Article (295)

If a culprit exploits a time of incitation or turmoil, to commit any of the crimes mentioned in this chapter, or if he commits a crime by force or by threat, it shall be considered an aggravating circumstance.

Article (296)

Whoever transports or attempts to transport any explosives or flammable substances by land, sea

or air, or via a letter or parcel contrary to the laws, rules and regulations to this effect, shall be punished by detention or by a fine not exceeding thirty thousand Dirhams or by either of these two penalties.

Article (297)

Whoever willfully breaks down any means of telecommunications which are designated for public

use, or disconnects or destroys any part of their wires or installations, or willfully prevents its repair, shall be punished by imprisonment for a period not exceeding ten years.

However, if he commits the crime during war time or during a period of incitement or agitation by using explosive materials, he shall be punished by imprisonment for at least five years.

Article (298)

Whoever willfully causes disturbance to others by using any telecommunications sets shall be punished by imprisonment for a period not exceeding one year, or by a fine not exceeding ten thousand Dirhams.

Article (299)

Whoever willfully exposes the life or safety of people to danger, by putting substances, germs or other things which cause death or serious damage to public health in a water well, water reservoir,

or similar facilities designated for use by the public, shall be punished by life or term imprisonment.

Article (300)

Whoever spoils the water of a well, reservoir, water cistern, or any similar thing, designated for use

by the public, thereby rendering it unfit for use, shall be punished by detention and by a fine.

Article (301)

Whoever willfully breaks or destroys machines or pipes or installations of water, electricity, gas or

petroleum utilities or other public utilities when such an act is liable to disrupt such a utility, shall be punished by imprisonment for a period not exceeding ten years.

Article (302)

Whoever willfully demolishes, breaks down, spoils or causes damage to any fixed health installations or mobile health units or items or instruments of such units, or intentionally impairs any of them or puts them out of use, shall be punished by imprisonment for a period not exceeding ten years.

Article (303)

Whoever willfully breaks down, in any manner, a system, machine, or other things which are designated for first aid, fire fighting, rescue of drowned persons or prevention of such accidents, shall be punished by imprisonment.

CHAPTER II**FIRE****Article (304)**

A prison sentence of at least seven years shall be imposed upon any one who willfully sets fire to buildings, factories, workshops, warehouses, occupied or unoccupied buildings located in a city or village, or to railway coaches, vehicles carrying one or more persons or attached to a train carrying one or more persons, vessels navigating or anchoring in any harbor, airplanes flying or landing in an airport, or to buildings constructed or designated for residence located outside inhabited areas, whether or not all such things are owned by the culprit.

Article (305)

A term of imprisonment shall be imposed upon any one who willfully sets fire to:

1. wood lands, forests for fire wood, gardens or crops before being harvested, which are owned by others.
2. wood lands, forests for fire wood, gardens or crops before being harvested, if they are owned by him, and of the fire spreads to land owned by another person causing damage thereto.

Article (306)

A prison sentence shall be imposed upon any one who willfully sets fire to buildings which are neither occupied by people nor used for residence, lying outside inhabited areas, or to crops or stocks of hay, or harvest left over in its place, or to firewood piled, compact or left in its place, whether all such things are owned by him or not and if the fire spreads to the property of another person causing damage to it.

Article (307)

Every fire other than the aforesaid set for the purpose of inflicting material damage, or gaining illicit advantage for the culprit or someone else shall be punished by detention and a fine.

Article (308)

Whoever sets fire causing death to a human being shall be punished by the death penalty in the cases provided for in Articles (304, 305), and by life imprisonment in the cases provided for in Articles (306, 307).

Article (309)

The above provisions, subject to the same conditions, shall apply to any one who destroys, even partially, any of the said things by an explosive material.

Article (310)

Whoever, through a fault of his own, causes fire to the property of another, shall be punished by detention for a period not exceeding one year or by a fine not exceeding ten thousand Dirhams.

Article (311)

Whoever disconnects firefighting equipment or changes its place or makes it unfit for use shall be punished by detention for a period not exceeding one year, or by a fine not exceeding ten thousand Dirhams.

The same penalty shall also apply to any one who is ipso jure bound to keep firefighting equipment, and who omits to install it or fails to keep it in a continuous operational condition.

PART FIVE

CRIMES AFFECTING RELIGIOUS DOCTRINES AND RITES

Article (312)

Detention and a fine, or one of these two penalties shall be imposed upon any one who commits any of the following crimes:

1. Abuse of any sacred or holy Islamic rites.
2. Blaspheming any of the divine recognized religions.
3. Condoning or encouraging sin, publicizing it, or acting in a manner that tempts others to commit such sins.
4. Knowingly eating pork by Muslims.

If any of such crimes is committed publicly, the penalty shall be detention for at least one year, or a fine.

Article (313)

Detention for a period not exceeding one month or a fine not exceeding one thousand Dirhams, shall be inflicted upon whoever:

1. consumes food, beverages or other breakfast items publicly during the daytime of the fasting Month (Ramadan).
2. compels, incites or assists in such publicity. Moreover, the public place where such acts are practiced may be closed for a period not exceeding one month.

Article (314)

The Minister of Interior, in coordination with the competent Municipalities, shall order the closure of any such public places during the day time of the Fasting Month (Ramadan) to ensure prevention of publicity referred to in the preceding Article.

The person in charge of the public place shall be punished by the penalty provided for in the preceding Article if he acts in violation of the closure order.

Article (315)

Whoever profanes any of the sacred beliefs or rites in the other religions, so far as such sacred beliefs and rites are respected according to the teachings of Islamic Law, shall be punished by detention and by a fine or by either of these two penalties.

Article (316)

Whoever profanes or desecrates places for burial of the dead or for preserving their corpses, or whoever knowingly profanes or desecrates a dead body or the remains of a human corpse, shall be

punished by detention for a period not exceeding one year or by a fine not exceeding ten thousand Dirhams.

Article (317)

Whoever establishes, organizes or administers a corporation, association, organization or a branch

thereof with a view to resist or vilify the fundamentals or doctrines of the Islamic Religion or its essentially known teachings, practicing missionary activity in favor of other religions, advocating

any sector ideology which embraces any of the aforesaid matters, or commending such thoughts or circulating them, shall be punished by imprisonment for a minimum period of five years and a maximum period of ten years.

Article (318)

Whoever joins, assists or participates in a society or any of the organizations mentioned in the preceding Article knowing of their objectives, shall be punished by imprisonment for a period not exceeding seven years.

Article (319)

Whoever resists or defames the fundamental principles or teachings of the Islamic Religion or what is essentially known of its doctrines or vilifies such a religion, practices missionary work in favor of another religion, preaches for a sect or ideology which envisages any of the said matters, or tempts others to accept such ideologies or circulates such beliefs, shall be punished by imprisonment for a period not exceeding five years.

Article (320)

It shall be prohibited for any group of people, corporation or organization to hold any conference or meeting in any place in the country if such a group of people, corporation or organization aims, whether directly or indirectly, at opposing or vilifying the fundamental principles or teachings of the Islamic Religion or what is essentially known of its doctrines, or at practicing missionary activity in favor of another religion.

The public authority shall have the right to disperse such a conference or meeting, with the use of force, if necessary.

Whoever takes part in preparation for such a meeting or conference or participates in their activities shall be punished by imprisonment for a period of not less than five years and not more than ten years.

Article (321)

If any of the crimes cited in Articles (318, 320) of this law has been committed with force or threat, or if the use of force or threat was noticeable in commission of such crimes, the culprit shall be punished by imprisonment for a period of at least seven years.

Article (322)

Whoever possesses written instruments, printed matters or taped records, which contain seditious or which circulate things mentioned in Article (320), provided that such instruments, printed matter or taped records are prepared for distribution or to be read by others, shall be punished by detention for a minimum period of one year and by a minimum fine of one thousand Dirhams or by either of such two penalties.

The same penalty provided for in the preceding Article shall apply to any person who possesses any means which has been used in printing, recording or announcing appeals, anthems or propaganda for any faith, association, corporation or organization aiming at one of the objectives provided for in Article (320).

Article (323)

The same penalty provided for in the preceding Article shall apply to any one who obtains or receives funds directly or indirectly, from a person or a corporation, whether inside or outside the state, with the aim of committing any of the acts mentioned in Article (320).

Article (324)

The penalty for attempting the crimes provided for in this chapter shall range from half the maximum and minimum penalty prescribed for each crime.

Article (325)

Without prejudice to the penalties provided in the preceding Articles, the court shall, in all cases shown in Article (318), dissolve said associations, organizations, corporations or branches and close their places of operation.

The court may also order the closure of the places where such crimes provided for in Articles (320, 323) have been committed.

The court shall, in all cases indicated in the preceding two paragraphs, confiscate funds, effects and other things which might have been used or have been prepared to be used in commission of

the crime, or might be found in such places where the meetings of such associations, organizations, corporations or branches are held.

The court may order the deportation of a convict who is not a national of the country after the penalty inflicted upon him has been executed.

Article (326)

Pardon shall be granted to any felon involved in the crimes indicated in Articles (317 to 324) if he

informs the judicial or administrative authorities of the crime before it is disclosed; if the information is made known after detection of the crime, the court may exempt him from the penalty if the notification leads to the arrest of other culprits.

PART SIX

CRIMES AFFECTING FAMILY

Article (327)

Whoever abducts a newborn child from his legitimate guardian conceals him or substitutes another for him, or falsely attributes him to other than his legitimate parent, shall be punished by imprisonment. If it is proved that the child is stillborn, the felon shall be sentenced to detention for

a period not exceeding two months and by a fine not exceeding one thousand Dirhams, or by either of such two penalties.

Article (328)

Whoever is the guardian of a child and abstains from delivering the child to a person, of whom he

is a legal claimant in pursuance of a judgment or order from a judicial authority, shall be punished by detention or by a fine.

Article (329)

Either parent or grandparent who abducts his minor child or his grandchild, by himself or through

others, even without deception or coercion, from the person who is entitled to be his guardian or curator in accordance with a judgment or order passed by a judicial authority, shall be punished by the penalty provided for in the preceding Article

Article (330)

Whoever receives a court's executory judgment for payment of alimony to his wife, or maintenance costs to any of his relatives or to any other person whom he is legally bound to support, or to pay the charges of tutelage, breast feeding, or lodging, and abstains from payment in spite of his ability to do so for a period of three months after he has been served with a notice of payment, shall be punished by detention for a period not exceeding one year and by a fine not exceeding ten thousand Dirhams or by either of the two penalties. No action may be filed except upon complaint by the concerned party. If a convicted person has paid the arrears owed by him, or if he produces a guarantor acceptable to the concerned party, the penalty shall not be executed.

PART SEVEN**CRIMES PERPETRATED UPON PERSONS****CHAPTER I****TRESPASS UPON LIFE AND SAFETY OF HUMAN BEINGS****Article (331)**

Without prejudice to the right to blood money which is due according to the Sharia, whoever commits any of the crimes provided for in this chapter shall be punished by the penalties prescribed for them in cases where the infliction of a punitive penalty is not possible.

Article (332)

Whoever premeditatedly kills an individual shall be punished by life or term imprisonment. The punishment shall be the death sentence if the murder is committed with layaway or with premeditation, if it is accompanied by or associated with another crime, if it is perpetrated against any of the culprit's descendants, or against a public official or one in charge of a public service in the course of, because of or on the occasion of performing his duties or service, or if a poisonous or detonating substance is used in the crime.

Article (333)

Premeditation means a determined intent prior to commission of a crime against any person, and meditation on measures which are necessary to carry out the crime precisely. Lying in wait means to ambush a person in one or many places for a long or short period of time, in order to murder the person or assault him by any act of violence.

Article (334)

Whoever catches his wife, daughter or sister in the act of adultery, and slaughters her, the adulterer or both of them at once shall be punished by term imprisonment; however, if he assaults her or assaults both of them in a manner that leads to culpable homicide not amounting to murder, or which leads to disability, he shall be punished by detention. A wife who catches her husband red-handed in an act of adultery in the married house, and kills him at once, or if she kills the adulteress, or if she kills both of them, she shall be punished by term imprisonment; however, if she assaults him or both of them in a manner that leads to death or disability, she shall be punished by detention. The lawful right of private defense may not be used against anyone who takes advantage of such an excuse.

Article (335)

Whoever abets or assists another in any manner to commit suicide, if the act of suicide is then committed, shall be punished by detention for a maximum period of five years.

If the person who commits suicide has not completed eighteen years of age, or if he is incapacitated in will or discretion, it shall be considered an aggravating circumstance.

The culprit shall be punished by the penalty of premeditated manslaughter or attempted manslaughter, as the case may be, if the person who commits suicide or attempts to commit suicide, is incapable of comprehension or discretion.

Article (336)

Whoever assaults another person physically in any manner without intending murder, but the assault leads to death, shall be sentenced to imprisonment for a period not exceeding ten years. If any of the circumstances specified in the second paragraph of Article (332) arises, it shall be considered an aggravating circumstance.

Commitment by the culprit of the act under the influence of intoxication or stupefaction shall also be considered an aggravating circumstance, without prejudice to the provision contained in Articles (60, 61).

Article (337)

Whoever willfully causes another a permanent disability shall be punished by imprisonment for a maximum period of seven years.

If any of the circumstances indicated in the second paragraph of Article (332), is inapplicable, it shall be considered an aggravating circumstance.

Permanent disability shall arise if an injury leads to severance or dismemberment of any organ or

amputation of any part thereof, to the loss or diminution of its use, or to permanent, total or partial

failure of the function of any of the senses.

Any serious physical mutilation which is not likely to disappear shall be considered a permanent disability.

Article (338)

If anyone physically assaults another person in any manner and causes a permanent disability without intending to do so, he be punished by imprisonment for a period not exceeding five years;

however, if any of the circumstances mentioned in the second paragraph of Article (332) arises, or

if the culprit is under the influence of intoxication or stupefaction, the penalty shall be imprisonment for a period not exceeding ten years, without prejudice to the provision of Articles (60, 61).

Article (339)

If anyone physically assaults another person in any manner and the assault leads to illness or the

inability to perform his personal work for a period of twenty days, he shall be punished by detention and by a fine.

If the result of the assault has not reached the degree of seriousness mentioned in the preceding

paragraph, the punishment shall be by detention for a period not exceeding one year and by a fine

not exceeding ten thousand Dirhams.

If the assault on a pregnant woman results in abortion, it shall be considered an aggravating circumstance.

Article (340)

Whoever willfully aborts a pregnant woman by giving her drugs or by applying any other means which lead to abortion, shall be punished by imprisonment for a period not exceeding five years. Punishment by imprisonment for a period not exceeding seven years shall be inflicted if the crime is committed without her consent.

Article (341)

If the assault provided for in Articles (336, 337, 338, 339), and in the second paragraph of the preceding Article is committed by using a weapon, club or any other tool, and by one or more members of a gang composed of at least five persons who conspire to assault and to cause injury, a sentence of detention and a fine shall be inflicted upon each of them without prejudice to any severer penalty against any of them who takes part in the aggression or any other penalty provided for in the law.

If crimes provided for in the preceding Articles are committed during a war against wounded persons, even if they are enemies, this shall be considered an aggravating circumstance.

Article (342)

Anyone who, through his own fault, causes death to a person shall be punished by detention and by a fine or by either of these two penalties.

Punishment shall be by detention for at least one year and by a fine if the crime occurs as a result

of failure by the offender to observe the ethics of his duty, profession or trade, if he is under the influence of intoxication or stupefaction upon commission of the crime, or if, at such a time, he abstains from giving a hand to the victim or calling upon others to assist him although he is capable of doing so.

Punishment shall be detention for at least two years and at most five years and a fine if the act results in the death of more than three persons. However, if any of the circumstances mentioned in the preceding Article arises, the punishment shall be detention for at least three years and at most seven years and a fine.

Article (343)

Whoever, through his own fault, causes injury to the body of another shall be punished by detention for a period not exceeding one year and a fine not exceeding ten thousand Dirhams, or

either of these two penalties. However, if a permanent disability arises from a crime, if a crime occurs as a result of failure by the offender to observe the principles of his duty, profession or trade, or if, at the time when the incident occurs, the culprit is under the influence of intoxication or stupefaction, or if he abstains from giving a hand to the victim or calling for others to assist him

although he is capable of doing so he shall be punished by detention for a period not exceeding two years by a fine or by either of these two penalties.

Punishment by detention and a fine together shall be invoked if the crime affects the safety of more

than three persons; however, if any of the circumstances mentioned in the preceding paragraph arises, punishment shall be detention for at least six months and at most five years, and a fine.

CHAPTER II VIOLATION OF FREEDOM

Article (344)

Whoever illegally kidnaps, arrests, detains or deprives a person of his freedom, whether by himself

or through another by any means without lawful justification, shall be punished by term imprisonment; however, punishment shall be life imprisonment in the following cases:

1. If the act results from assuming a public capacity or pretending to be performing or in charge of a public service, or making false contact.
2. If the act is committed by trickery, by force, by threat of killing or serious injury, or by inflicting physical or psychological torture.
3. If the act is committed by two or more persons, or by an armed person.
4. If the period of kidnapping, arrest, detention or deprivation of freedom exceeds one month.
5. If the victim is a female, a minor, an insane individual or an imbecile.
6. If the purpose of the act is profit, revenge, rape of the victim, a violation of his or her honor, causing injury to him or to her, or forcing him to commit a crime.
7. If the act is perpetrated against a public office holder in the course of his duties or in pursuance thereof.

If the act leads to death of the victim, punishment shall be the death penalty or life imprisonment.

Punishment prescribed for the principal offender shall apply to any one who becomes an intermediary to any of the crimes indicated in this Article, as well as anyone who knowingly conceals a kidnapped person.

Article (345)

A culprit shall be exempted from punishment for crimes indicated in the preceding Article if he voluntarily informs judicial or administrative authorities before detection of the place of the kidnapped person about the whereabouts of the kidnapped, and reveals the identity of other culprits, and if the information given by him leads to the rescue of the kidnapped person.

Article (346)

Whoever smuggles someone into or out of the country with the intention of taking possession of him or disposing of him, and whoever possesses, buys, sells, offers for sale, or disposes in any manner whatsoever of a person as a slave, shall be punished by term imprisonment.

Article (347)

Whoever compels a person to work with or without pay in order to serve a special interest in other than legally permissible cases shall be punished by imprisonment for a period not exceeding one year, by a fine not exceeding ten thousand Dirhams, or by one of these two penalties.

CHAPTER III EXPOSURE TO DANGER

Article (348)

Whoever willfully commits an act which exposes the life, health, security, or freedom of people to

danger, shall be punished by detention, by a fine, or either of these two penalties.

However, if the act causes damage to others, punishment shall be detention, without prejudice to

any other severer penalty prescribed by law.

Article (349)

Whoever, by himself or by means of others, endangers a juvenile under fifteen years of age, or a person unable to protect himself due to his health, mental or psychological condition, shall be punished by detention for a period not exceeding two years; however, if the crime occurs by abandoning a juvenile or disabled person in a deserted place, or if it is committed by any of the victim's descendants, or by the person who is in charge of preserving him or taking care of him, the punishment shall be a sentence of detention. If such an act causes a permanent disability or death to the victim without intention on the part of the culprit, he shall be punished by the penalty prescribed for an assault which leads to permanent disability, or by the penalty for an assault which leads to the death of the victim, as the case may be. However, the same penalty shall apply if the exposure to danger is committed by willfully depriving a juvenile or a disabled person of food or care which is necessary for his health, where the culprit is legally bound to provide such services.

Article (350)

Whoever endangers a child who has not completed seven years in a place inhabited by people, whether directly by himself or indirectly through others, shall be punished by detention or by a fine not exceeding ten thousand Dirhams.

CHAPTER IV**THREAT****Article (351)**

Whoever threatens another person, in writing or verbally, to commit a crime against his life or his property, or against the life or property of another person, or to divulge matters which offend the latter's honor with instructions to commit or omit certain acts or with the intention to give such instructions, he shall be punished by imprisonment for a period not exceeding seven years.

Article (352)

Whoever threatens another person to commit a crime against his life or property or against the life or property of another person, or to disclose matters which compromise his honor or modesty in cases other than those mentioned in the preceding Article, shall be punished by detention.

Article (353)

Whoever threatens by words, deeds or signs, in writing or verbally, or indirectly through another person, in cases other than those mentioned in the two preceding Articles, shall be punished by detention for a period not exceeding one year or by a fine not exceeding ten thousand Dirhams.

CHAPTER V**CRIMES COMMITTED AGAINST HONOR****SECTION 1****RAPE AND INDECENT ACTS****Article (354)**

Without prejudice to the provisions of the Juvenile Delinquents and Homeless Law, whoever resorts to coercion in sexual intercourse with a female or homosexuality with a male, shall be

punished by the death penalty. A case of coercion shall arise if the victim at the time of the crime

was under fourteen years of age.

Article (355)

Attempt to commit any of the crimes provided for in the preceding Article shall be punishable by life imprisonment.

Article (356)

Without prejudice to the preceding two Articles the crime of indecent assault with mutual consent

shall be punished by detention for at least one year; however, if the crime is committed against a

male or female who is under fourteen years of age, or if the crime is committed by coercion, it shall be punished by temporary imprisonment.

Article (357)

If any of the crimes indicated in the preceding Articles has led to the death of the victim, the punishment shall be a death sentence.

SECTION 2

SCANDALOUS AND DISGRACEFUL ACTS

Article (358)

Whoever openly commits an indecent and disgraceful act shall be punished by detention for a period of at least six months.

Whoever commits a disgraceful act with a girl or boy who has not completed fifteen years of age even if it is not committed openly, shall be punished by detention for at least a period of one year.

Article (359)

Whoever attempts to disgrace a female by words or by deeds in a public street or frequented place

shall be punished by detention for a period not exceeding one year and by a fine not exceeding ten thousand Dirhams, or by either of these two penalties.

The same penalty shall apply to any man who disguises himself in a woman's clothing and enters

a place the entry into which is reserved for women. If a man in such a case commits a crime, it shall be considered an aggravating circumstance.

SECTION 3

ENTICEMENT TO LEWDNESS AND PROSTITUTION

Article (360)

Whoever, on a public street or much frequented area entices passersby to lewdness by words or

by signs, shall be punished by detention for at least six months.

Article (361)

Whoever publicly appeals, sings, or engages in lewd speech, and whoever seduces others publicly

into debauchery in any manner whatsoever, shall be punished by detention for at most six months

and by a fine not exceeding five thousand Dirhams, or by either of these two penalties.

Article (362)

The penalty provided for in the preceding Article shall apply to any one who manufactures, imports, exports, possesses, acquires or transports items with the intention of investing distributing or displaying to others writings, drawings, pictures, films, symbols or other matters if they are prejudicial to public morals.

The same penalty shall apply to any one who advertises any of the above mentioned things.

Article (363)

Whoever entices a male or female under eighteen years of age, by any means into committing debauchery or prostitution, or who assists them in such an act, shall be punished by detention far

at least two years, and a fine.

Article (364)

Whoever entices a male or female into committing debauchery or prostitution by coercion, threat or trickery, shall be punished by imprisonment for a period not exceeding ten years.

Punishment by imprisonment for at least ten years shall be inflicted on the offender if the victim is

under eighteen years of age. Whoever detains a person against his will by coercion, threat or trickery, with the intention of forcing him to commit any act of lewdness or prostitution, shall be sentenced to the previous penalties as the case may be.

Article (365)

Whoever establishes or runs a house for debauchery or prostitution, Or who facilitates such immoral practices or assists by any means, in organizing or running such a house, shall be punished by term imprisonment.

In all cases, the place of such immoral practices shall be closed, and shall not be licensed to reopen unless it is designated to deal in lawful business, and after approval of the public prosecution.

Article (366)

Whoever exploits the lewdness or prostitution of a person in any way, shall be punished by imprisonment for a period not exceeding five years.

Article (367)

lithe felon who commits any of the crimes provided for in Articles (363, 364, 366) is an ascendant

of the victim or is related to him in such a way that he is forbidden to marry him, or if he is his custodian, guardian, someone who exercises control over him, his servant, or the servant of any of

the above mentioned persons, it shall be considered an aggravating circumstance.

Article (368)

Whoever habitually practices debauchery or prostitution shall be punished by term imprisonment.

Article (369)

Where a sentence has been passed with a custodial penalty for two years or more for any of the crimes mentioned in this section, the convicted person shall be placed under surveillance for a period equivalent to the period of the adjudged penalty.

Article (370)

The culprit shall be presumed to be aware of the victim's age in the Articles provided for in this section.

CHAPTER VI

CRIMES PERPETRATED AGAINST REPUTATION: LIBEL, ABUSE AND DISCLOSURE OF SECRETS

Article (371)

Without prejudice to the elements and conditions of defamation, which is punishable by a doctrinal penalty, where the application of a doctrinal penalty in respect of any one becomes impossible, the offender shall be punished according to the characterization of the crime, subject

to the provisions of the following Articles:

Article (372)

Whoever attributes to another person, by any means of publicity, an incident which makes him liable to punishment or contempt, shall be punished by detention for a period not exceeding two years or by a fine not exceeding twenty thousand Dirhams.

Punishment by detention and a fine or by either of these two penalties shall be applied if the libel

is committed against a public official or one who is in charge of a public service, during, in respect

of, or on the occasion of performing the duties or public services assigned to him, or if the libel affects the honor or injures the reputation of families, or if it is observed that the libel is intended to achieve an illicit purpose.

If libel is committed by means of a publication in any of the newspapers or other printed media, it

shall be considered an aggravating circumstance.

Article (373)

Detention for a period not exceeding one year or a fine not exceeding ten thousand Dirhams shall

be imposed upon anyone who, by any means of publicity, disgraces the honor or the modesty of another person without attributing any particular act to the defamed party.

Detention for a period not exceeding two years and a fine not exceeding twenty thousand Dirhams, or either of these two penalties, shall apply if a public official or one who is in charge of a public service has been abused during, because of, or on the occasion of performing his duty or

public service, if the abuse affects the honor or injures the reputation of families, or if it is noticed

that the abuse is intended to achieve an illegal purpose.

However, if the abuse is published in any newspaper or printed media, it shall be considered an aggravated case.

Article (374)

Punishment by detention for a period not exceeding six months or by a fine not exceeding five thousand Dirhams shall apply if slander or abuse is transmitted by telephone, or face to face with

the victim and in the presence of a third party.

Punishment by a fine not exceeding five thousand Dirhams shall be imposed if slander or abuse occurs face to face with the victim alone without the presence of a third party.

It shall be considered an aggravated case, if libel or abuse is committed in any of the cases mentioned in the preceding two paragraphs, against a public official or one who is in charge of a public service during, because of or on the occasion of performing the duty or public service, if it

affects the honor or injures the reputation of families, or if it is noticed that it achieves an illicit purpose.

Article (375)

No crime shall be imputed to the offender if he proves the truth of the incident imputable to a public official or one who is in charge of public service, provided that the incident is related to the official's duty or service.

In this case, abuse may be proved if it is committed by the offender himself and is associated with the incident of slander.

However, there shall be no proof, if the incident occurred five years previous, if the offence has expired by any cause of extinguishment, or if the judgment in respect thereof has abated.

Article (376)

The defamation or abuse contained in the defense of parties to a legal action, whether verbally or in writing, before courts of law or investigation authorities, shall not involve a crime if it is within the limits of the right to defense.

Article (377)

Informing judicial or administrative authorities in good faith of any matter that calls for the responsibility of the accused shall not involve a crime.

Article (378)

Whoever publishes news, pictures or comments related to the secrets of private or family life of persons even if they are true, shall be punished by detention for a period not exceeding one year and by a fine not exceeding ten thousand Dirhams, or by one of these two penalties.

Article (379)

Punishment by detention for a period of not less than one year and by a fine of not less than twenty thousand Dirhams, or by either of these two penalties, shall apply to any one who is entrusted with a secret by virtue of his profession, trade, position or art and who discloses it in cases other than those lawfully permitted, or if he uses such a secret for his own private benefit or for the benefit of another person, unless the person concerned permits the disclosure or use of such a secret.

A penalty of imprisonment for a period not exceeding five years shall apply to a culprit who is a public official or in charge of a public service, and has been entrusted with the secret during, because of or on the occasion of the performance of his duty or service.

Article (380)

Whoever opens a letter or cable without the consent of the person to whom it is sent or overhears

a telephone call shall be punished by a fine not less than three thousand Dirhams.

A culprit shall be punished by detention for a period of at least three months or by a fine of at least

five thousand Dirhams, if he divulges the contents of said letter, cable or telephone call to a person

other than that to whom it is addressed, and without his consent, where such an act causes damage to others.

PART EIGHT

CRIMES PERPETRATED UPON PROPERTY
CHAPTER I
THEFT

Article (381)

If infliction of a doctrinal penalty for theft becomes impossible, the culprit shall be punished by corporal chastisement according to the characterization of the crime, subject to the provisions of this law.

Article (382)

Chastisement theft occurs by embezzlement of a movable property owned by a person other than

the culprit, and shall be subject to the provisions of the following Articles:

Article (383)

A penalty of life imprisonment shall apply to any one who commits a theft which satisfies the following conditions:

1. If it is committed at night.
2. If it is committed by two or more persons.
3. If any of the culprits is armed with a weapon.
4. If a culprit enters into an inhabited place or designated for habitation or into any of its annexes

by climbing a wall or by breaking a door, by using duplicate keys, by cheating by personating, by

pretending to carry out or to be in charge of a public service, or by any other illegal means.

5. If it is committed by coercion or by threat of using a weapon.

Article (384)

Whoever commits a crime of theft in a public thoroughfare or in any land, sea or air means of transport, shall be punished by life or term imprisonment in any of the following cases:

1. If the theft is committed by two or more persons and one of them is armed with a weapon.
2. If the theft is committed by two or more persons and by coercion.
3. If the theft is committed by an armed person at night.
4. If the theft is committed by an armed person by coercion or by threat of using a weapon.

Article (385)

Whoever commits a crime of theft, by coercion or by threat of using a weapon, whether for the purpose of acquiring stolen property, converting it to his own use or carrying it away, shall be punished by term imprisonment.

Article (386)

Whoever commits a crime of theft at night with one or more other persons one of whom is armed

with a weapon shall be punished by term imprisonment. The same punishment shall apply if the act of theft is committed at night in a place occupied by residents, and by one armed person.

Article (387)

Whoever steals arms or ammunition of the Armed Forces or Police shall be punished by term imprisonment. However, a penalty of life imprisonment shall be inflicted on the culprit if any of the conditions provided for in Article (384) is applicable.

Punishment by detention for at least one year and at most five years shall apply if a theft is perpetrated upon the equipment or tools used or intended for use in telecommunications installed

or licensed for installation by the Government for the public welfare.

Article (388)

Punishment shall be detention for at least two years and at most seven years if the theft is committed in either of the following two cases:

1. at night.
2. by an armed person.

Punishment by imprisonment for at least five years and at most seven years shall be inflicted for an act of theft if it is committed by a workman at his place of work or if it causes damage to his employer.

Article (389)

Punishment by imprisonment for at least one year shall be inflicted for theft if it is committed in any of the following cases:

1. In a place of worship.
2. In a place occupied or intended for occupation, or in any of its annexes.
3. In any means of transport, station, seaport or airport.
4. By scolding, by breaking window panes or doors, or by using duplicate keys or original keys without the consent of the owner.
5. By a person who assumes a public or false personation or claims to be performing or entrusted with a public service.
6. By two or more persons.
7. During war time against wounded persons.
8. Against properties owned by any of the authorities mentioned in Article (5).
9. Against cattle or carriage animals or riding animals.

Article (390)

Whoever commits an act of theft to which none of the conditions mentioned in the preceding Articles of this Chapter is applicable shall be punished by detention for at least six months, and by a fine.

Article (391)

Detention or a fine shall be imposed upon anyone who, in any manner steals a telephone service, telecommunication service or any other governmental service, or if he unjustifiably exploits, utilizes, diverse or discharges any of such services or any electric current or other installations used for supply or transmission of such services.

Article (392)

Attempt to commit a theft misdemeanor shall be punished by half of the penalty prescribed for the consummate crime.

Article (393)

Upon a sentence of detention for one or more years passed for an act of theft or attempted theft, the court may, in case of recidivism, order two years' police surveillance as maximum, provided that such a penalty not exceed the punishment sentence.

Article (394)

Whoever uses a car, a motor cycle or any similar vehicle without the permission or consent of its owner or the person who is entitled to use it shall be punished by detention for a maximum period of one year and by a fine not exceeding ten thousand Dirhams, or by one of these two penalties.

Article (395)

Whoever consumes food or beverages in a place designated for such a service, even though he is a resident therein, and whoever occupies one or more rooms in a hotel or similar lodging or hires a car intended for rent and unjustifiably abstains from payment of what he owes or escapes without payment, shall be punished by detention for a period not exceeding six months, by a fine not exceeding five thousand Dirhams, or by either of these two penalties.

Article (396)

If a culprit who commits any of the crimes mentioned in the preceding Articles of this Chapter takes advantage of the opportunity of agitation, incitation, fire or any other disaster, it shall be considered an aggravating circumstance.

Article (397)

Whoever, by force or by threat, obtains a document, a signature thereon, an amendment thereto, cancellation or destruction thereof, shall be punished by term imprisonment.

Article (398)

Whoever, by threat, compels another to deliver money or things other than those mentioned in the preceding Article, shall be punished by detention and by a fine. However, if the threat is to divulge or attribute immoral acts to another it shall be considered an aggravating circumstance.

Attempt to commit an act shall be punished by half of the penalty prescribed for the consummate crime.

CHAPTER II**TRICKERY (CHEATING)****Article (399)**

Detention or a fine shall be imposed upon any one who seizes, for himself or for another, a movable property, or obtains a document or signature thereon, cancellation or destruction thereof or amendment thereto by fraudulent means, or by assuming a false name or capacity, where such an act leads to deception of a victim and leads him to surrender. The same punishment shall apply to anyone who disposes of real estate or movable property knowing that such a property is not owned by him or that he has no right to dispose thereof, or if he disposes of a thing knowing that it has been previously disposed of or contracted upon, provided that such acts cause damage to a third party.

If the subject of a crime is a property or a bond which belongs to the State or to any of the authorities indicated in Article (5), it shall be considered an aggravating circumstance.

The attempt of an act shall be punished by detention for a period not exceeding two years or by a fine not exceeding twenty thousand Dirhams. However, when a recidivist is sentenced to a penalty of detention for a period of one or more years, a maximum period of two years' police surveillance may be awarded to him, provided that such surveillance not exceed the sentence inflicted upon him.

Article (400)

Whoever exploits the need of a minor or a convict to remain under guardianship or custodianship, or exploits his whim or lack of experience with prejudice to his interest or the interest of another,

the culprit shall obtain from him a property, a document or signature thereon or amendment thereto, or cancellation or destruction thereof.

The provisions pertaining to minors shall apply to a person who is adjudged insane, imbecile, or interdict; however, where a crime is committed by a guardian, custodian or curator against a victim or by anyone having control over him, or by anyone who has been instructed to take care of his interests, it shall be considered an aggravating circumstance.

Article (401)

Detention or a fine shall be imposed upon anyone who, in bad faith, gives a draft (cheque) without

a sufficient and drawable balance or who, after giving a cheque, withdraws all or part of the balance, making the balance insufficient for settlement of the cheque, or if he orders a drawee not

to cash a cheque or makes or signs the cheque in a manner that prevents it from being cashed.

The same penalty shall apply to any one who endorses a cheque in favor of another or gives him a

bearer draft, knowing that there is no sufficient balance to honor the cheque or that it is not drawable.

Article (402)

Detention or a fine shall be imposed upon anyone who in bad faith, declares falsely that the balance available to him is insufficient to cover the drawing and drawable amount.

Article (403)

Provisions of the preceding two Articles shall apply to postal money orders (postal cheques).

CHAPTER III

BREACH OF TRUST AND RELATED MATTERS

Article (404)

Whoever embezzles, uses or wastes funds securities or any other movable property with the intention to prejudice the interest of the due right's owners, if it is delivered to him as a deposit, rent, pledge, loan for use, or proxy, shall be punished by detention or by a fine.

In application of this provision, the partner in a joint property, and the owner's property, and whoever receives anything to use in a certain manner for the benefit of its owner or for the benefit

of another, shall be considered as an agent.

Article (405)

Whoever, with the intention of taking possession of it, knowingly misappropriates a lost property owned by another or a property which he acquires by mistake or by a force majeure, shall be punished by detention for a period not exceeding two years or by a fine not exceeding twenty thousand Dirhams.

Article (406)

Punishment by the penalty prescribed in the preceding Article shall apply to any one who embezzles or attempts to embezzle a movable property that he had mortgaged as security for a debt owed by him or by another.

The same sentence shall apply to an owner who is appointed a receiver for his judicially or administratively distrained movable properties, if he embezzles anything there from.

CHAPTER IV

CONCEALMENT OF THINGS DERIVED FROM A CRIME

Article (407)

Whoever knowingly possesses or conceals things resulting from a crime without taking part in commitment of the act shall be punished by the penalty prescribed for the crime from which he knows such things have resulted.

A culprit who does not know that such things have resulted from a crime, but has obtained them in circumstances which lead him to believe that their sources are illegal, shall be punished by detention for a period not exceeding six months, by a fine not exceeding five thousand Dirhams, or by either of these two penalties.

Article (408)

According to the provision of the preceding Article, a culprit shall be granted pardon from the penalty if he takes the initiative to inform judicial or administrative authorities of the crime from which such things have resulted and of persons who have committed the crime before detection thereof.

However, if he informs them after detection of the crime, the court may pardon him from the penalty provided that such information leads to the arrest of the culprits.

CHAPTER V

USURY

Article (409)

Punishment by detention for at least three months and by a fine of at least two thousand Dirhams

shall be inflicted upon any natural person who deals with another natural person by usury interest

in any kind of civil or commercial transaction, including any express or latent condition that involves usury interest.

Latent interest shall include any commission or benefit stipulated by a creditor, if such a commission or benefit has no corresponding real legal benefit or service provided by the creditor

as a consideration.

A principal debt and implied interest may be proved by all means available.

Article (410)

Punishment by the penalty provided for in the preceding Article shall apply to any one who receives usury interest resulting from civil or commercial transactions between natural persons, which become due before the effective date of this law, and which have not yet been paid, even if

such interest has been awarded by a conclusive judgment.

Article (411)

If a culprit exploits the need, weakness or whimsical desire of a debtor commits either of the two crimes provided for in the preceding Article, it shall be considered an aggravating circumstance.

Article (412)

Any natural person who acquires a habit of lending with interest shall be punished by imprisonment for a period of at most five years.

CHAPTER VI GAMBLING

Article (413)

Gambling is a game in which each party agrees that if he loses, he will pay the party who wins the game an amount of money or anything else agreed upon.

Article (414)

Whoever gambles shall be punished by detention for a maximum period of two years or by a fine not exceeding twenty thousand Dirhams.

A penalty of detention or a fine shall be inflicted if the crime occurs in a public place, a place open to the public, or in a place or house prepared for gambling.

Article (415)

Punishment by imprisonment for a maximum period of ten years shall be inflicted upon any one who opens or runs a place for gambling and prepares such a place for admission of people, as well

as anyone who organizes any game of gambling in a public place or in any place or house prepared for such a purpose.

Article (416)

In all cases, cash money and tools used in gambling shall be seized, and an order shall be issued

to confiscate them and to close the gambling place. Such place shall not be licensed to reopen unless it is prepared for a legal purpose, and after approval of the public prosecution.

CHAPTER VII BANKRUPTCY

Article(417)

Where a final judgment has declared the bankruptcy of any tradesman, he shall be considered a fraudulent bankrupt and shall be punished by imprisonment for a maximum period of five years in

any of the following cases:

1. If he conceals, destroys or alters his books.
2. If he embezzles or conceals part of his assets to prejudice the interests of his creditor.
3. If he admits fictitious debts, or if he makes himself indebted for part thereof, whether in his books, balance sheet or in other papers, by a verbal admission, or by abstaining from submitting any documents or explanations although he is aware of the consequences of such abstention.

Article (418)

Where a final judgment has declared the bankruptcy of any tradesman who causes a loss to his creditors through his serious default, he shall be considered a defaulting bankrupt, and shall be punished by detention for a maximum period of two years or by a fine not exceeding twenty thousand Dirhams in any of the following cases:

1. If he spends huge amounts in gambling or in swindling practices or in fictitious speculations.
2. If he buys goods in order to sell them at less than their purchase price, if he borrows funds or issues securities, or uses other means resulting in a great loss with the intention of getting money in order to delay the declaration of his bankruptcy.
3. If, after suspension of payment, he makes a settlement in favor of a creditor, causing damage to the interests of all other creditors.

Article (419)

Any tradesman against whom a judgement of bankruptcy has been passed may be considered a defaulting bankrupt and shall be punished by detention for a maximum period of one year and by a fine not exceeding ten thousand Dirhams in the following cases:

1. If he, in favor of another person and without a consideration, concludes contracts, which are too expensive in comparison with his financial position at the time when he undertakes them.
2. If he has no commercial book-keeping, if his books are incomplete or irregular, not reflecting the real position of credit and debit accounts, or if he does not make statutory inventory imposed by law.
3. If he fails to comply with the rules laid down for the regulation of the commercial register.
4. If he fails to make a declaration on suspension of payment by the legally fixed deadline, if he fails to submit the balance sheet, or if it is proved that entries made by him after suspension of payment are incorrect.
5. If he abstains from producing the data required by the competent court, or if it appears that the information produced by him is untrue.
6. If, after his suspension of payment, he gives a special advantage to any of the creditors with the intention of accepting a compromise.
7. If his bankruptcy has been repeated before he satisfies the obligations undertaken by him in a previous composition.

Article (420)

If a trading company becomes bankrupt, its board of directors and managers shall be punished by penalties prescribed for fraudulent bankruptcy if it appears that they have committed any of the acts provided for in Article (417), or if they have contributed to suspension of payment by the company, whether by announcing an untrue position on the subscribed or paid up capital, by publishing an incorrect balance sheet, by distributing fictitious dividends, or by fraudulently receiving for themselves anything in excess of what is permitted to them in the articles of association.

The penalty provided for in this Article, shall not apply to any member of the board of directors or a manager who takes no part in the act of constituting the crime, or who takes exception to the decision issued in respect thereof.

Article (421)

Without prejudice to any more serious penalty provided for in the law, detention and a fine or one of these two penalties shall be imposed upon:

1. Anyone who embezzles or conceals all or some of the bankrupt properties, even if such a person is a spouse of the bankrupt party or one of his descendants or ascendants.
2. Anyone other than a creditor, who interferes in the compromise proceedings by way of deception, or who, in a bankruptcy, produces a fictitious debt in his name or in the name of another person by way of deception.
3. A creditor who honors his debt by way of deception or who, with a bankrupt party or someone else, stipulates for himself special advantages in return for giving or promising to give his vote in the deliberations of compromise or bankruptcy, or who makes a special agreement for his own benefit which prejudices the interests of other adversaries.

Article (422)

The court may order the publication of any conviction issued for any of the crimes shown in this chapter, in the appropriate manner, and at the expense of the convict.

CHAPTER VIII**CHEATING IN COMMERCIAL TRANSACTIONS****Article (423)**

Without prejudice to any more serious penalty, detention and a fine or one of these two penalties

shall be imposed upon any one who cheats a party contracting with him in the genuineness, nature, or substantial qualities of goods, the elements of their composition, or the quality or origin

of goods in cases where such things are considered basic causes of contracting, or in the quantity,

number, measurement, scale, weight, capacity or in the goods themselves, if the items delivered

are different from those contracted upon.

The same penalty shall apply to any one who imports, buys or circulates such goods for trading purposes, knowing their reality.

CHAPTER IX**WASTE OF PROPERTY AND HARM TO ON ANIMALS****Article (424)**

Detention for a maximum period of one year and a fine not exceeding ten thousand Dirhams, or by one of these two penalties shall be imposed upon any one who destroys or damages property

owned by another, whether movable or immovable, and renders it unfit for use or impairs such a property in any other manner.

A penalty of detention shall apply if the crime results in disruption of a public utility or facility, or if such a crime exposes the life, security, or health of people to danger.

A penalty of imprisonment for a maximum period of five years shall apply if the crime is committed by a gang of at least three persons.

Article (425)

Punishment by detention and by a fine or by either of these two penalties shall apply to any one who:

1. fells, uproots or destroys a tree or a graft on a tree, or peels its bark rendering it lifeless.

2. spoils growing crops, plants or fields sown with seeds, or disseminates any noxious substance or

plant in such a field.

3. damages an agricultural machine or any of the agricultural tools or makes them unfit for use in

any manner whatsoever, provided that such damaged things mentioned in the preceding paragraphs are owned by others.

Punishment shall be a sentence of imprisonment for a period not exceeding five years if the crime

is committed by three or more persons or by two persons one of whom is armed with a weapon.

Article (426)

The penalty shown in the preceding Article shall apply to whomever:

1. Premeditatedly and unjustifiably kills a riding, pulling or pack animal or cattle, or causes serious

damage to any of them.

2. Annihilates or poisons any of the fish in a water source or in a pond.

Article (427)

The attempt to commit any of the misdemeanors provided for in the preceding two Articles shall be punished by half of the penalty prescribed for the consummate crime.

Article (428)

Whoever damages, relocates or removes a perimeter or mark intended for measuring areas, or for land settlement or demarcation of boundaries that divide real estates, shall be punished by detention for a period not exceeding one year or by a fine not exceeding ten thousand Dirhams; punishment by detention shall apply if a crime is committed with the intention of usurping any of the lands indicated above.

Article (429)

If any of the crimes provided for in the preceding Articles of this Chapter is committed at night or by an act of violence against persons, or if the offender is armed with a weapon or takes advantage of a riot, insurrection or common disaster, it shall be considered an aggravating circumstance.

Article (430)

Where a recidivist has been sentenced to detention for a period of one year or more for any of the crimes mentioned in the preceding Articles of this Chapter, the court may pass an order of two years' police surveillance as a maximum, provided that it shall not exceed the duration of the penalty imposed.

Article (431)

Whoever willfully and unjustifiably kills, poisons or seriously harms a domestic or tamed animal other than those mentioned in Article (426) shall be punished by detention for a period of not less than one year and by a fine not exceeding ten thousand Dirhams.

Article (432)

A fine not exceeding one thousand Dirhams shall be imposed upon whoever harasses, tortures or maltreats a domestic or tamed animal, as well as anyone who abstains from looking after an animal when he is duly bound to take care of such an animal.

Article (433)

Punishment by a fine not exceeding one thousand Dirhams shall apply to any one who, through his own mistake, causes injury to an animal or cattle owned by others; however, if his mistake results in the death of such an animal, he shall be punished by a fine not exceeding two thousand Dirhams.

CHAPTER X**TRESPASS ON THE PROPERTY OF OTHERS****Article (434)**

Punishment by detention for a period of not more than one year or by a fine not exceeding five thousand Dirhams shall be inflicted upon any one who enters any place occupied or intended for occupation by inhabitants, or any of its annexes, or a place designated to safeguard money or property against the will of the concerned person, and in cases other than those set forth in the law, as well as anyone who remains in such a place against the will of the person entitled to drive him out, or if he conceals himself out of sight of the person who has such a right.

Punishment by detention for a period not exceeding two years shall be inflicted upon the culprit if the crime occurs at night, or if it is committed by an act of violence against persons or things, or by using weapons, or by two or more persons, or by impersonation. However, if the intention of entering or remaining in the place is to preclude possession by force or to commit a crime, it shall be considered an aggravating circumstance.