



JUDICIAL DEPARTMENT

LEGISLATION SERIES IN
ENGLISH

Penal Code

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Preface

Since the establishment of Abu Dhabi Judicial Department (ADJD) pursuant to Law no. 23 of 2006, ADJD has promptly sought the independence of an excellent and effective system that provides world class judicial and legal services. To “safeguard the rule of law by ensuring justice, freedom and peace in society” has been adopted as the governing framework of this system.

Realizing its virtuous vision and mission statements, ADJD decided to print all the legislations which may be required during the life cycle of litigation before the Department courts. Derived by the fact that ADJD is a local government department, it is comprehensible that the focus would be primarily projected on the local laws issued by the local legislator of Abu Dhabi. In addition, as per Article 121 of the Constitution which empowers the federal legislator with the legislative authority pertaining to certain issues in a way that commits both federal and local judicial authorities to apply the local laws issued in accordance with this article, it was found necessary to print these legislations. Moreover, since international agreements, when adopted, are apprehended as regional governing laws for all competent authorities, it was found appropriate to print the international agreements and conventions signed or approved by the State.

Accordingly, ADJD commenced the publication of a set of federal and local legislations and international agreements which are considered indispensable in the adjudication process before the Department courts. Nevertheless, the Department is keen on facilitating and expediting the delivery of publication to the target audience, the printouts will be published in three different series with different designs and branding colors.

Finally, we hope that our efforts meet the expectations of the readers and satisfy the needs of judges, litigants and all concerned parties.

Abu Dhabi Judicial Department

Introduction

Penal Code is a set of legal provisions that determine the actions which are recognized as crimes and explain the penalties incurred upon them. The Code includes two types of rules: (First) general provisions which apply to all/most crimes and all/most penalties such as provisions related to the effectiveness of the Penal Code in terms of time duration, location, legitimization, responsibility or penalty preventatives and types of crimes and penalties. (Second), provisions of each individual crime which explain its facts and determine the appropriate penalty.

According to Article 121 of the UAE Constitution of 1971, the federation is authorized to pass laws in regards with “major legislations related to penalty laws”. The phrase “penalty laws” means – apparently – the Penal Code and special criminal laws. Based on this constitutional text, the Federal Legislator of UAE passed the Penal Code pursuant to Federal Law No. 3 of 1987 (the code was passed on December 8th 1987, published in the official gazette on December 20th 1987, and became effective after three months from the date of publication). The Penal Code comprised 434 articles distributed between two books. The first book includes the general provisions and is divided into nine chapters; first: preamble provisions, second: Penal Code application scope, third: crime, fourth: criminal responsibility and preventatives, fifth: penalty, sixth: pleas, stringent and relieved discretionary circumstances, seventh: criminal plotting, eighth: social defense and ninth: comprehensive, criminal and judicial amnesty. The second book, on the other hand, includes crimes and penalties. It is divided into eight chapters; first: national security crimes and their interests, second: public office crimes, third: rule-of-justice violation crimes, fourth: public danger crimes, fifth: religious or ritual crimes, sixth: family crimes, seventh: individually incurred crimes and eighth: financial crimes.

According to the first article of the Federal Penal Code, “Islamic Sharia provisions shall apply to punishment, retribution and blood money crimes. Reprehension penalties and crimes shall be determined in accordance with the provisions of this Code and the other penal laws”. Thus, the Federal Legislator referred to the Islamic Sharia provisions in matters related to punishment, retribution and blood money crimes. Accordingly, the Federal Penal Code was set to be confined to determine crimes and reprehension penalties, and this conforms with the Islamic Sharia approach in criminalization and punishment. As Ibn ul Qayyim Al Jawziyyah stated “It is of Allah's wisdom to legislate the penalties of crimes committed by people against each other whether in soul, body, honor or money such as murder, injury, defamation and robbery. The All Mighty masterfully perfected

the restraints and penalties for these crimes and legislated them thoroughly to include all aspects of punishment and prevention notwithstanding the punishment incurred upon the perpetrator". People should abide to the provisions of these boundaries. While in other aspect, the ruler is empowered to legislate and criminalize the acts which prejudice the social and individual interests. This type of crimes is conjunctly referred to with "reprehension". Reprehension includes a set of actions and behavior prohibited, yet not penalized, by Islamic Sharia.

Consequently, the context and meaning of UAE Federal Penal Code was set in conformity with Islamic Sharia provisions pertaining to matters of criminalization and punishment.

In the light of the perennial social development, and in order to avoid any legislative inconsistency as such, the Federal Penal Code was subjected to some amendments. Federal Law No 34 of 2005 amended some Federal Penal Code provisions. (This law was passed on December 24th 2005 corresponding to Zu Al Qaeda 22nd 1426H and published in the Official Gazette on December 31st 2005 corresponding to Zu Al Qaeda 29th 1426H. It became effective on the same day of publication). More provisions of the Code were further amended pursuant to Federal Law No 52 of 2006. (This law was passed on December 14th 2006 corresponding to Zu Al Qaeda 25th 1427H and published in the Official Gazette on December 28th 2006 corresponding to Zu Al Hijjah 8th 1427H. It became effective on the same day of publication).

This book contains the UAE Penal Code as per the latest amendments. We hope it becomes beneficial to all personnel concerned with law.

ABU DHABI JUDICIAL DEPARTMENT

FEDERAL LAW NO.3/1987

THE PENAL CODE

Federal Law No (3) of 1987 Concerning Promulgating Penal Code

We, Zayed Bin Sultan Al Nahyan, President of the United Arab Emirates,

Having perused the provisional Constitution (1).

And Federal Law No. (1) of 1972, concerning jurisdictions of the Ministries and powers of the Ministers and the amending laws thereof;

And Federal Law No. (9) of 1976, concerning juvenile delinquents and the homeless;

And in accordance with the proposal of the Minister of Justice, approved by the Council of Ministers and ratified by the Supreme Council of the Union;

Promulgated the following law:

Article 1

The attached law shall apply to all crimes and penalties, and any other text conflicting with its provisions shall be abrogated.

Article 2

Ministers and the concerned authorities in the UAE, each in its jurisdiction, must enforce this law.

Article 3

This law shall be published in the Official Gazette and shall come into force three months after its date of publication.

BOOK ONE GENERAL PROVISIONS

TITLE ONE INTRODUCTORY PROVISIONS

Article 1

The provisions of the Islamic Shari'a shall apply to the crime of doctrinal punishment, punitive sanctions and blood money. Crimes and reprehensive sanctions shall be specified in accordance with the provisions of this code and the other penal laws.

Article 2

No one shall be answerable for a crime committed by another and the accused shall be presumed innocent until proved guilty.

Article 3

Unless otherwise provided, the provisions of book one of this Law shall apply to crimes provided for in other penal laws.

Article 4

No punitive measure shall be imposed except in cases and under the conditions provided for the law. Provisions relative to punishments shall, unless otherwise provided, apply to punitive measures.

Article 5(1)

The following shall be considered a public servant:

- Those entrusted with the public authority's charges and those working in ministries and government departments.
- Affiliates to the armed forces.
- Chairmen and members of the legislative, consultative and municipal councils.
- Whoever is empowered by any of the public authorities to perform a specific assignment, within the limits of the work entrusted thereto.
- Chairmen, members of boards of directors, managers and all other employees working in public organizations and institution.
- Chairmen and members of boards of directors and all other employees working in public utility associations and institutions.

Shall be considered, under this law, as entrusted with public service, whoever is not included in one of the categories mentioned hereinabove and performs a work related to public service upon an assignment duly issued thereto by a public servant having this power under the laws or established rules in relation to the work assigned thereto.”

Article 6

In applying the provisions of the preceding Article (it is immaterial whether the job, work or service

is permanent or temporary, with or without pay, voluntary or compulsory. Termination of a job, work or service shall not bar the application of the provisions of the preceding Article (if the crime is perpetrated within the course of employment).

Article 7

Unless the context of this law otherwise requires, "government" shall include the federal government and the governments of the Emirates members of the Union.

Article 8⁽¹⁾

Provisions contained in this law concerning crimes against the President of the State shall also apply to the crimes perpetrated against the Vice-President of the State, Federal Supreme Council members, heirs and deputies thereof.

Article 9

Under this law, the following shall be considered means of publicity;

- Speaking or shouting publicly through any mechanical means in a public gathering, in a public road or in a licensed or frequented place or if it is diffused by any other means.
- 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 or other means.
- Writings, drawings, pictures, films, symbols and other means of expression exhibited in any of the aforementioned places or distributed indifferently to people, sold or offered to them for sale in any place.

Article 10

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

Article 11

The provisions of this law shall in no case prejudice the rights of the litigants or others in being

reimbursed, obtain damages or recover expenses or any other rights.

**TITLE TWO
SCOPE OF APPLICATION OF THE PENAL CODE**

**CHAPTER ONE
TRANSITORY APPLICATION OF THE LAW**

Article 12

A crime shall be sanctioned according to the law in force at the time of its perpetration. This law shall be determined at the time at which the acts of execution have been completed 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 perpetration of a crime and before rendering a final judgment, it shall exclusive be applied. If he law is enacted after rendering a final judgment, that makes an act or omission committed by a convict non punishable, the judgment shall not be implemented and its penal effects shall cease to exist, unless the new law provides otherwise. Should the new law provide 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 the light of the provisions of the new law.

Article 14

Excepting the provisions of the preceding article, if any law has been enacted rendering an act or omission a criminal offense or aggravating the prescribed penalty thereto, and provided that such law has been enacted temporarily for a short period or under fortuitous events, the expiration of the period specified for its effectiveness or the disappearance of the fortuitous events shall neither debar the prosecution of crimes perpetrated during such a period nor shall it preclude the enforcement of a penalty which had been imposed under such law.

Article 15

The new law shall apply to any continuous or successive crimes perpetrated prior to its coming into

effect or crimes which repeatedly reoccur during the effective period of this law. Where the new law amends the 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 the other crimes have been perpetrated prior to its application.

CHAPTER TWO

APPLICATION OF LAW AS TO PLACE AND PERSONS

Article 16

The provisions of this law shall apply to any one who perpetrates a crime within the territory of the State which shall consist of the lands and any place under its sovereignty, including territorial waters and air space there above. A crime shall be considered perpetrated in the territory of the State if any of its constituent acts occurs therein, or if the result has been, or is intended to be, realized therein.

Article 17⁽¹⁾

The provisions of this law shall apply to crimes that are perpetrated onboard warships and military aircrafts bearing the flag of the State wherever they are. The above-mentioned provisions shall apply to nonmilitary governmental vessels owned or operated by the State for non-commercial purposes and as such commercial aircrafts and vessels bearing the flag of the State.

Article 18⁽¹⁾

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

- In case the effects of the crime extend to the State.
- If the crime by nature disturbs the peace or violates public morals or good order in its ports or territorial waters.
- If the shipmaster or consul of the State whose flag is hoisted seeks assistance from the local authorities.
- Should the offender or victim be a citizen of the State.
- If the vessel carries materials or objects internationally banned from negotiation, possession or

commercialization.

This law, however, shall not apply to crimes perpetrated on board foreign aircrafts in the State air space unless the air- plane lands in any of the airports after perpetration of the crime, or if the crime by nature disturbs the peace in the State or violates its public policy, or if the crime violates the State navigation

Article 19

The present law shall be applied to whomever perpetrates an action outside the state rendering him a perpetrator or an accomplice in a crime occurring entirely or partially inside the state.

Article 20

This law applies to anyone who commits an act outside the state making him a principal or an accessory to any of the following crimes:

- A crime that violates the external or internal security of the state, its constitutional system or its legally issued financial securities or stamps or that involves forgery or counterfeiting of states instruments or official seals.
- Forgery, falsification or counterfeiting of the state's currency, circulating or possessing same for the purpose of circulation, whether such acts are carried out within or outside the state.
- Forgery. Falsification or counterfeiting of paper notes or minted coins awful circulated in the state, promoting such currencies and coins therein, or possessing same for the purpose of circulation.

Article 21⁽¹⁾

This law shall apply to whoever is present in the state after being involved aboard as a principal offender or an accessory in an act of sabotage or impairment of international communication systems or in crimes of trafficking drugs or women or children or slavery or acts of piracy or international terrorism or money laundry.

Article 22

A citizen, while in a foreign country, becomes involved in act which is considered a crime under the provisions of this law, whether as a principal or accessory, shall be sanctioned according to its provisions 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 perpetrated. This provision shall apply to whoever acquires the nationality of the state after he perpetrates the act. For the purpose of applying this article, a stateless person shall be treated as a habitual resident in the country.

Article 23

No criminal action shall be instituted against a person who perpetrates a crime in 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 against him has duly been forfeited or the competent authorities in such country have docketed the investigations.

In determining whether a judgment is final or whether a legal action, penalty or an investigation is foreclosed, reference shall be made to the law of the country in which the judgment has been rendered.

In case a sentence has not been fully served, its period should be completed.

However, if a verdict of innocence has been rendered in a crime provided for in articles 20 and 21 and the said verdict is based on the fact that the crime is not punishable by the law of the said country, a criminal action may be brought against him before the courts of the state where the courts of the capital of the federation shall have jurisdiction to examine the case.

Article 24

In executing a sentence against a convict, the period, that he has served in custody, in detention under remand or in execution of the penalty in a foreign country for the crime for which he was convicted, shall be taken into account.

Article 25

Without prejudice to the provision of the 1er paragraph of Article (1, this law shall not apply to persons

who enjoy immunity under international agreements, international or domestic laws, within the territory of the United Arab Emirates State.

TITLE THREE
THE CRIME
CHAPTER ONE
CLASSIFICATION OF CRIMES

Article 26

Crimes shall be divided into:

- Dogmatic crimes.
- Punitive and blood-money crimes.
- Reprehensive crimes.

Crimes are of three kinds: felonies, misdemeanors and contraventions. The kind of a crime shall be determined with regard to the penalty provided for it in the law. Where the crime is sanctioned by a penalty of fine or blood) money in conjunction with another penalty, it shall be classified according to this other penalty.

Article 27

The kind of crime shall not change in case the court decides to replace the penalty appertaining thereto with a more mitigated one whether on grounds of legal excuses or because of discretionary extenuating circumstances, unless otherwise provided by law.

Article 28

A felony is a crime sanctioned by any of the following penalties:

- Any of the dogmatic sanctions or punitive punishments except drunkenness and slander.
- Capital punishment.
- Life imprisonment.
- Temporary incarceration.

Article 29(1)

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

- Imprisonment.
- A fine in exceeding a thousand dirham.
- Blood-money.

Article 30

A contravention is every act or omission sanctioned in the laws or regulations by one or both of the two following penalties:

- Detention for a period not less than twenty-four hours and not more than ten days by putting the convicted in special places reserved for this purpose.
- A fine not exceeding a thousand dirham.

CHAPTER TWO BASIC ELEMENTS OF A CRIME

SECTION ONE MATERIAL ELEMENT

1. CONSUMMATED CRIMES

Article 31

The material element of a crime consists of a criminal activity of performing an act or forbearance there from when such performance or forbearance is criminal according to the law.

Article 32

A person shall not be answerable for a crime that is not the result of his criminal activity. He may however answer for the crime if his criminal activity contributed with another cause, previous or contemporary or subsequent, in its occurrence when- ever this cause is expected or likely to occur in the ordinary sequence of events. Where this cause alone is in itself sufficient to produce

the result of the crime, the person shall not in this case be answer- able except for the act he perpetrated.

Article 33

A crime limited in time is when the punishable act occurs and ends by its very nature as soon as it is perpetrated. A crime shall be considered transient when all the consecutive acts perpetrated in execution of a single criminal scheme are focused on one right without being separated by a period of time serving their link with each other. If, however, the act is a continuous process that requires a renewed intervention of the perpetrator for a period of time, the crime is then continuous regardless of whether the crime effects have persisted after the perpetration of the crime as long as the effects remained present without the intervention of the perpetrator.

Article 34

An attempt is the commencement of the execution of an act with the intent of perpetrating a crime whenever its effect is stopped or fails of consummation for reasons beyond the will of the perpetrator. Shall be considered a commencement of execution, the perpetration of an act which is considered per se one of the constituent parts of the material element of the crime or immediate and directly leading to it. Unless otherwise provided for in the law, shall not be considered an attempt to perpetrate a crime, neither the mere intention to commit it nor the preparatory acts thereto.

Article 35

Unless otherwise provided in the law, attempt to perpetrate a felony shall be sanctioned by the following penalties:

- Life imprisonment, should the penalty prescribed for the crime be the capital sentence.
- Temporary imprisonment, should the penalty prescribed for the crime be life imprisonment.
- Imprisonment for a period not exceeding half the maximal level of the penalty prescribed for the crime or incarceration if the penalty is temporary imprisonment.

Article 36

The law shall determine the misdemeanors in which the attempt is sanctioned by law as well as the penalty for such attempt.

Article 37

The special provisions governing accessory penalties and the criminal measures prescribed for consummated crimes shall apply to the attempt.

SECTION TWO MORAL ELEMENT

Article 38

The moral element of a crime consists of an intent or mistake the intent is present when the will of the perpetrator is directed towards the perpetration of the act or forbearance there- of, whenever this perpetration or forbearance is considered by law a crime, with the intent to produce a direct result or any other result penalized by law and which the perpetrator expected. There is a mistake whenever the criminal result is achieved because of the mistake of the doer whether this mistake is due to negligence, carelessness, non-precaution, recklessness, imprudence or non-observance of the law, regulations, rules or orders.

Article 39

If an act is committed under the influence of mistake in facts, the liability of the perpetrator shall be determined on basis of the facts he misconceived its presence should these facts deny or extenuate his liability, provided his belief is based on reasonable grounds and on basis of research and investigation. In case the mistake that made the perpetrator believe that he is not responsible is due to negligence or non-precaution, he shall be answerable for a non-premeditated crime should the law penalize the act as being such.

Article 40

The motive of perpetrating the crime shall not be taken into consideration unless the law otherwise provides.

Article 41

Should the perpetrator ignore the presence of an aggravating circumstance that may change the

characterization of the crime, he is not liable therefore but shall benefit of his excuse even if he ignores its existence.

Article 42

Ignorance of the provisions of this law is not an excuse.

Article 43

The perpetrator is answerable for the crime whether it was committed deliberately or by mistake, unless the law expressly provides for premeditation.

CHAPTER THREE CRIMINAL COMPLICITY

Article 44

Whoever perpetrates alone a crime or acts as a direct accomplice shall be considered a perpetrator of the crime. An accomplice is a direct one in the following instances:

First: if he perpetrates the crime with another person.

Second: if he participates in its perpetration when it consists of several acts and he deliberately commits one of its constituent acts.

Third: if he sub-serves another person by any means to execute the criminal act and the latter is not criminally responsible for this act for any reason whatsoever.

Article 45

A person shall be considered an accomplice by causation:

First: if he instigates to commit a crime that was perpetrated as a result of this instigation.

Second: if he conspires with others to perpetrate a crime that occurred as a result of this conspiracy.

Third: if he gives the doer a weapon, tools or anything else used in the perpetration of the crime of which he had knowledge; or if he willfully assists the perpetrator, by any other means, in the preparatory acts or those facilitating or completing the perpetration of the crime. The accomplice shall be equally held liable whether he was in direct contact with the perpetrator or through an intermediary.

Article 46

An accomplice by causation who was found at the scene of the crime with the intent to perpetrate it shall be considered as a direct accomplice in case the crime is not committed by other than him.

Article 47

Whoever participates in a crime as a direct or causative accomplice shall be sanctioned by its penalty, unless otherwise provided by the law.

Article 48

Where an accomplice is not subject to the penalty on grounds of one of the causes of legitimacy or for the lack of criminal intent or for other particular reasons concerning him, the other accomplices shall not benefit therefrom.

Article 49

Where the material circumstances are inherent to a crime or constituent of one of its acts that will aggravate or extenuate the penalty, the effects thereof shall apply to any one directly or causatively participating in its perpetration regardless of whether he had, or not, knowledge thereof. However, existing personal aggravating circumstances that may facilitate the perpetration of the crime shall not apply to other than its author unless the other person had knowledge of it. As to the other circumstances, whether aggravating or extenuating, the effects thereof shall apply only to the person concerned by these circumstances.

Article 50

In the presence of personal excuses exempting from, or extenuating the penalty as concerns one of the accomplices, whether he be direct or by causation, their effects shall only apply to the one concerned by such excuse. Material excuses exempting from or extenuating the penalty shall produce their effects on whoever participated directly or by causation in the perpetration of the crime.

Article 51

The accomplice in a crime, whether direct or by causation, shall be sanctioned by the penalty appertaining to the crime perpetrated even if it is not the one he intended to perpetrate as long as the committed crime is a probable consequence of the occurring complicity.

Article 52

Should the characterization of a crime or a penalty change according to the intent of the author of the crime or his knowledge of its circumstances, the accomplices in the crime, direct or by causation, shall be penalized in accordance with their intent or knowledge.

CHAPTER FOUR CAUSES OF LEGITIMACY

SECTION ONE REASONS OF LEGITIMACY

1. USE OF A RIGHT

Article 53

There is no crime if the act takes place in good faith in the use of a right provided for in the law and within the limits set for such right.

The following shall be considered as a use of right:

- Chastisement by a husband to his wife and chastisement of the parents, or whoever acts in their stead, to the minor children within the limits prescribed by Shari'a or by law.
- Medical surgery and acts of medical attendance, in accordance with scientific principles recognized by the licensed medical profession when done with the explicit or implicit consent of the patient, or his legal representative, or in cases where the medical intervention is necessary in emergency cases that require.
- Acts of violence taking place during performance of sport games within the limits approved for such game and with observance of the rules of due care and caution.

- Acts of violence against the author of a crime caught red- handed, with a view to arresting him, within the limits required for this purpose.
- The accusations exchange by the litigating parties during the verbal or written defense before the investigation authorities and courts, within the limits required by such defense and provided the doer is bonafide believing that the matters attributed to his opponent are true and that his belief is based on reasonable grounds.

2.PERFORMANCE OF A DUTY

Article 54

There is no crime if the act is done in the performance of a duty imposed by the Shari'a or the law if the person by whom the act is done is legally authorized to do it.

Article 55

There is no crime if the act is done by public employee or a person entrusted with a public service, in any of the following two circumstances:

First: if the act is perpetrated in execution of an order issued to him from a superior legally authorized to issue such order and who had to obey the order.

Second: if he performs in good faith an act in execution of a law order.

3.RIGHT OF LAWFUL SELF DEFENSE

Article 56

There is no crime in case the act is performed in the exercise of the right of lawful self-defense.

There shall be a right of lawful self-defense if the following conditions are met:

First: if the defender faces an immediate danger from a crime on his person, his property, or the person or property of another or if he believed in the existence of such danger and his belief is based on reasonable grounds.

Second: the defender has no possibility to resort to public authorities to avoid the danger in due course.

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

Fourth: the defense is necessary to repel the danger and commensurate with it.

Article 57

The right of self-defense does not allow premeditated murder unless it is intended to repel one of the following matters:

- An act which it is feared would cause death or serious wounds if such fear is based on reasonable grounds.
- Forced sexual intercourse with a female or indecent assault on any person.
- Kidnapping of a human being.
- Felony of arson, destruction or theft.
- Breaking by night into an inhabited dwelling or any of its appurtenances.

Article 58

The right of lawful self-defense does not allow resistance to one of the members of the public authority during the performance of an act in the exercise of his duties within the limits thereof unless it is feared that such act may cause death or serious wounds and there is a reasonable ground for such apprehension.

SECTION TWO EXCESS OF LEGITIMATE LIMITS

Article 59

Exceeding the legitimate limits in good faith shall be considered an extenuating excuse and, a judgment of acquittal may be rendered if deemed appropriate by the judge.

**TITLE FOUR
CRIMINAL LIABILITY AND ITS IMPEDIMENTS**

**CHAPTER ONE
CRIMINAL LIABILITY OF PHYSICAL PERSONS**

**SECTION ONE
LOSS OF CONSCIOUSNESS OR OF PERCEPTION**

Article 60

Shall not be criminally responsible whoever was, at the time of perpetrating the crime, in a state of unconsciousness or loss of perception due to lunacy, mental handicap or a intoxicating materials of any kind given to him by force or taken unconsciously by him or for any other reason proved scientifically that it causes loss of consciousness or perception. However, if the insanity, mental handicap, drugs, stupeficient or intoxicating materials result only in a diminution or weakness of consciousness or perception at the time of perpetration of the crime, it shall be considered an extenuating excuse.

Article 61

Should the loss of consciousness or perception be the result of drugs, stupeficient or intoxicating materials voluntarily and knowingly taken by the perpetrator, he shall be penalized for the perpetrated crime even if it requires a special criminal intent; i.e. if it was perpetrated without being in a stupeficient or intoxicated state. Of the perpetrator has taken with premeditation the drugs, stupeficient or intoxicating materials for the purpose of perpetrating the crime committed by him, this shall be considered an aggravating circumstance of the penalty.

**SECTION TWO
LOSS OF DISCERNMENT**

Article 62

Criminal action shall not be brought against whoever did not, at the time of perpetration of the crime, complete his seven years of age. Age shall be established by an official deed and, in case it is not available, the investigation or trial authority shall delegate a specialized physician to assess the age by technical means. Nevertheless, the investigation authority and the juvenile courts may, if it deems necessary, order taking the educational and therapeutic measure appropriate for the case at hand.

SECTION THREE

MINORITY

Article 63

However, has completed seven, but under eighteen, years of age shall be governed by the provisions stipulated in the law on delinquent and homeless juveniles ⁽¹⁾.

SECTION FOUR

NECESSITY AND COERCION

Article 64

Criminal liability shall not be held against whoever perpetrates a crime under necessary of protecting, his person or property or the person or property of others, from a serious and imminent danger which occurrence is beyond his own volition. Likewise, shall not be criminally liable who perpetrates a crime under physical or moral duress. In the two instances mentioned in the two preceding paragraph, the perpetrator of a crime must be in the impossibility of avoiding the danger by other means and provided the crime is proportionate and to the extent necessary to repel it.

CHAPTER TWO

LIABILITY OF JURISTIC PERSONS

Article 65

Juristic persons other than government services and its official departments, public organizations and institutions) shall be held criminally liable for the crimes perpetrated by their representatives, directors and agents for their account or in their name. These persons may not be condemned to penalties other than fines, confiscation and the criminal measures provided by law for a principal penalty other than fin, the penalty shall be limited to fine which maximum level shall not exceed fifty thousand dirhams. This however shall not prevent condemning the author of the crime personally to the penalties prescribed by law for the crime.

TITLE FIVE PENALTY

CHAPTER ONE PRINCIPAL PENALTIES

Article 66⁽¹⁾

As amended by federal law no. 34 dated 24/12/2005 and federal law no. 5 dated 14/12/2006:

Principal penalties are:

- Dogmatic and chastisement penalties and blood-money.
- Repressive penalties which are:
 - Capital punishment.
 - Life imprisonment.
 - Term imprisonment.
 - Incarceration.
 - Detention.
 - Fine.

Courts must sentence to the repressive penalties pre- scribed in this law in case the conditions set forth in the Shari'a for the application of the dogmatic and chastisement penalties as well as blood-money are not met.

Article 67

A death sentence rendered by a federal court may not be executed except after ratification by the state president.

Article 68

Imprisonment is the incarceration of convict in one of the penitentiaries legally allocated for this purpose, for life if the sentence is life imprisonment, or for the period specified in the sentence in case of a temporary imprisonment. Unless the law provides otherwise, the term of the temporary imprisonment may not be less than three years and not more than fifteen years.

Article 69

Detention is to place the convict in one of the penitentiaries legally allocated for this purpose for the term to which he was sentenced. Unless the law provides otherwise, the minimum period of detention is one month and the maximum may not exceed three years.

Article 70

Whoever is sentenced to a penalty restricting freedom shall be charged of performing the work assigned to penitentiaries taking into consideration his circumstances with a view to reforming and habilitating him and in consideration of an appropriate salary. Periodical reports shall be made to observe his conduct and behavior and all these subject to the law regulating penitentiaries.

Article 70 bis⁽¹⁾

This article is cancelled pursuant to Federal Law No.52 of 2006.

Article 71

The penalty imposing a fine is to compel the convict to pay to the treasury the adjudicated amount and the fine should not be less than one hundred dirhams and not more than a maximum of one hundred thousand dirhams, un felonies, thirty thousand in misdemeanors, unless otherwise provided for in the law.

Article 72

Should several convicts in a crime, whether as principal authors or accomplices, be sentenced in a single judgment to a fine, the court shall impose the fine on each severally, unless it is proportional then the convict shall be jointly liable to pa it, unless otherwise provided in the law.

CHAPTER TWO
ANCILLARY PENALTIES

SECTION ONE
ACCESSORY PENALTIES

Article 73

Accessory penalties are:

- Deprivation of some rights and privileges.
- Police surveillance.

These penalties shall be enforced against the convict ipso jure in the manner specified in this section, without need to mention it in the judgment.

Article 74

Each death sentence shall entail, ipso jure and from the date it is rendered and until it is executed, depriving the convict of all rights and privileges provided for in the following article, as well as avoidance of all acts of disposition and administration made by him excluding the testament. The competent court shall appoint an administrator on the convicts properties and shall follow in his appointment and determining his powers, the procedures applied as concerns curatorship on the interdicted.

Article 75

Each sentence of life or temporary imprisonment shall entail, ipso jure as of the date it is rendered, deprivation of the convict of the following rights and privileges:

- To be an elector or member of the legislative or consultative boards;
- To be member of municipality boards or in the board of directors of public organizations or institutions, public service associations or institutions and joint stock companies, or manager thereof;
- To be guardian, curator or proxy;
- To wear national or foreign distinction medals;

- To bear arms.

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

Article 76

A convict who has been sentenced to life or temporary imprisonment may not dispose of this property during the term of his imprisonment except with the authorization of the competent civil or Shari'a court of which the convict's residence depends. Any act of disposition made by the convict in violation of the preceding paragraph shall be void.

Article 77

The convict shall choose an administrator, approved by the competent civil or Shari'a court of his residence, to administer his properties during the period of his imprisonment. Where such choice is not made within one month from the commencement of execution of the imprisonment penalty, the court shall appoint an administrator upon request of the public prosecution or any interested party. The court may ask from the administrator appointed by it to provide a guarantee. The administrator shall, in any case, be subordinated to the court in all matters related to his administration. The court shall restore to the convict his properties after lapse of the penalty period or his release and the administrator shall account to him for his administration.

Article 78

Should the convict sentenced to the penalty of life or temporary imprisonment be a public servant or a person to whom is assigned a public service, the sentence shall entail his removal from his office.

Article 79

Whoever is condemned to life or temporary imprisonment for a crime affecting the external or internal state security, for a crime of money forgery, falsification or counterfeiting, falsification or counterfeiting, falsification of stamps, government financial documents or official instruments, or in a crime of bribery, embezzlement theft, and premeditated murder coupled with aggravated circumstances, shall ipso jure after completion of the penalty period be put under police surveillance

according to the rules established by the minister of interior for a period equal to that of the penalty provided it does not exceed five years. The court may, nevertheless, reduce in its judgment the period of surveillance, exempt the convict there from or reduce its restrictions. The convict who violates the surveillance conditions shall be sentenced to detention for period not exceeding one year and/or a fine not exceeding five thousand Dirham.

SECTION TWO COMPLEMENTARY PENALTIES

Article 80

The court may upon rendering a sentence of imprisonment in a felon, order the deprivation of the convict of one or more of the rights or privileges stipulated in Article (75 for a minimum period of one year and a maximum of three running from completion of execution of the penalty or its lapse for any other reason.

Article 81

Upon rendering a sentence of imprisonment against a public servant in one of the crimes in which it is conditioned that the perpetrator be a public servant, he may be condemned to dismissal from office for a minimum period of one year and not exceeding three years.

Article 82

When the court passes judgment in criminal or tort cases, it has also to pass judgment for confiscation of items/proceeds resulting from the crime without prejudicing the rights of the bonafide persons whether these items/proceeds are used or to be used in the crime. If the said items which are used or in possession or sold or offered for sale constitute a crime then confiscation has to take place under any circumstances even if these items do not belong to the accused.

CHAPTER THREE STAY OF EXECUTION OF THE PENALTY

Article 83⁽¹⁾

The court may, upon rendering in a crime a judgment condemning to a non-proportional fine or to imprisonment for a period not exceeding one year, order in the judgment a stay of execution of the penalty if it finds in the character of the convict, his past history, his age or from the circumstances in which the crime was perpetrated, reason to believe that he will not perpetrate a crime a new. The court may include in the stay of execution order any ancillary penalty except confiscation. In the

misdemeanors provided for in articles 328, 329, 330, 339, 372, 373, 374, 394, 395, 403, 404, 405 and in cases of theft, fraudulent misrepresentation, embezzlement and concealing the objects deriving there from; if the victim is the spouse, one of the ascendants or descendants of the convict, the public prosecution shall stay the execution of the penalty restricting freedom whenever the victim forfeits his right or reaches a settlement with the convict.

Article 84

Stay of execution of a penalty shall be for three years as of the day on which the judgment becomes final.

Article 85⁽¹⁾

The stay of execution of a judgment may be cancelled in any of the following instances:

First: if, within the period specified in the preceding article, the convict has deliberately perpetrated a crime for which he was sentenced in a decisive judgment to a sanction restricting freedom for more than two months, whether the sentence has been rendered during or after expiry of the said period provided that a criminal action has been instituted during such period.

Second: if, during the period stated in the preceding article, the convict had been condemned, prior to the writ of stay of execution, by a judgment provided for in the preceding paragraph and the court had no knowledge of it when it ordered the stay of execution.

The cancellation judgment shall be rendered by the court that issued the writ of stay of execution, upon request of the public prosecution after summoning the convict to appear. Where the penalty on which was based the cancellation has been adjudicated subsequent to the writ of stay of execution, the cancellation judgment may be rendered by the same court that imposed this penalty, whether on its own motion or upon request of the public prosecution, without prejudice to the degrees of trial before the courts. The cancellation judgment shall entail the execution of the penalty object of the stay of execution.

Article 86

Should the period specified in Article (84) expire without the availability of any cause of cancellation of the stay of execution, the judgment shall be considered as non-existent.

CHAPTER FOUR PLURALITY OF CRIMES AND PENALTIES

Article 87

If single act constitutes several crimes, shall be taken into consideration the crime which penalty is more severe and this penalty shall have imposed to the exclusion of all others.

Article 88

In case several crimes occur having a single purpose and all are linked to each other inseparably, they must all be considered a single crime and the most severe penalty shall be adjudicated.

Article 89

The adjudication of the penalty prescribed for the most severe crime, in the two preceding articles, shall be without prejudice to the imposition of the ancillary penalties prescribed by law with regard to the other crimes.

Article 90

In case provided for in Article (88), should the criminal be condemned for the crime with the slightest penalty, he should afterwards be put into trial for the crime with the most severe penalty and, in this case, the court shall order the execution of the penalty adjudicated in the latter judgment after deducting the period severed from the former judgment.

Article 91⁽¹⁾

Should a person perpetrate several crimes before being sentenced to one of these and the conditions specified in the two articles 87 and 88 are not met, he shall be sentenced to the penalty prescribed for each and all penalties adjudicated shall be successively executed provided the total periods of imprisonment alone, or the total periods of imprisonment and detention do not exceed twenty years for both and ten years for detention alone. If the penalties are of different kinds, imprisonment shall be executed first then detention.

Article 92

The death penalty shall override all other repressive penalties with the exception of proportionate fines and confiscation. The penalty of imprisonment shall, to the extent of its period, override the detention penalty for a crime perpetrated prior to the mentioned sentence of imprisonment.

Article 93⁽¹⁾

The following penalties shall be executed regardless of their number:

- Fine and ancillary penalties.
- Criminal measures taken provided the total periods of police surveillance do not exceed five years.

TITLE SIX
LEGAL EXCUSE AND DISCRETIONARY EXTENUATING AND AGGRAVATING
CIRCUMSTANCES

CHAPTER ONE
LEGAL EXCUSES AND DISCRETIONARY EXTENUATING CIRCUMSTANCES

Article 94

Excuses are either exempting or extenuating from penalty.
Excuses are only those specified by law.

Article 95

Exempting excuses shall prevent adjudication of any penalty or measure except confiscation.

Article 96

The juvenile age of the criminal, the perpetration of a crime for non-malicious motives or upon a serious and undue provocation on the part of the victim, shall be considered among the extenuating excuses.

Article 97

Should there be an extenuating excuse in a crime sanctioned by death penalty, the penalty shall be commuted to life or temporary imprisonment or to detention for a minimum period of one year. In case the penalty is life or temporary imprisonment, it shall be commuted to detention for a minimum period of three months, unless otherwise provided by law.

Article 98

If the court deems in a felony that the circumstances of the crime or of the criminal call for the extenuation of the penalty, it may commute the penalty prescribed for the felony in the following manner.

- Where the penalty prescribed for the felony is death sentence, it may be commuted to life or

temporary imprisonment.

- Where the penalty prescribed for the felony is life imprisonment, it may be commuted to temporary imprisonment for a minimum period of six months.
- Where the penalty prescribed for the felony is temporary imprisonment, it may be commuted to detention for a minimum period of three months.

Article 99

If there is, in a misdemeanor, an extenuating excuse, the commutation shall be as follows:

- In case the penalty has a specific minimum level, the court shall not be bound by it in considering the penalty.
- If the penalty is imprisonment and a fine, court shall adjudicate one of these two penalties only.
- Where the penalty is imprisonment not tied up with a specific minimum, the court may instead pass judgment for a fine.

Article 100

If the court deems, in a misdemeanor that the circumstances of the crime or of the criminal call for clemency, it may commute the penalty in the manner specified in the preceding article.

Article 101

If there is in a misdemeanor both an extenuating circumstance and an extenuating excuse, the court shall grant the accused a judicial pardon.

CHAPTER TWO AGGRAVATING CIRCUMSTANCES

Article 102

Taking into consideration the cases in which the law specifies special reasons for aggravation, the following shall be considered aggravating circumstances:

- Perpetrating a crime for a vile motive.
- Perpetrating a crime by taking advantage of the weak state of mind of the victim, his inability to resist or in circumstances that does not allow for someone else to defend him.

- Perpetration of a crime by using savage means or by mutilation of the victim.
- Perpetration of a crime by a public servant through exploiting the authority of his position or of his capacity, unless the law provides for a special sanction in consideration of this capacity.

Article 103⁽¹⁾

Where there is on the crime an aggravating circumstance, the court may impose the penalty in the following manner:

- If the penalty originally prescribed for the crime is a fine, its maximum limit may be doubled or a judgment of detention may be given.
- If the penalty originally prescribed for the crime is detention, its maximum limit may be doubled.
- If the penalty originally prescribed for the crime is temporary imprisonment which upper limit is less than fifteen years, the penalty may reach the upper limit.
- If the penalty originally prescribed for the crime is temporary imprisonment that reached the maximum limit, the penalty may be exchanged for life imprisonment.

Article 104

• Unless otherwise provided by law, if a crime, not penalized by a fine, is perpetrated with a motive of profit, the perpetrator may be penalized, in addition to the penalty originally prescribed for the crime, to a fine not exceeding the profit realized. In case aggravating circumstances are present, in a single crime, with extenuating circumstances, the court shall first apply the aggravated circumstances, then the extenuating excuses followed by the extenuating circumstances. Should the aggravating circumstances vary in their effect with those of the excuses, the court may, however, give preponderance to the stronger of the two.

CHAPTER THREE RECIDIVISM

Article 106⁽¹⁾

Shall be considered a recidivist:

First: whoever is condemned by a decisive judgment to a criminal penalty and then a crime thereafter.

Second: whoever has been condemned by a decisive judgment to detention for a period of six months or more and then perpetrates misdemeanor before the lapse of five years from the date of complete execution of this penalty.

Recidivism is not available except in crime united in premeditation and mistake.

The court may, in these cases, refuse to consider recidivism an aggravating circumstance.

Article 107

If a recidivist has previously been sentenced to two penalties restricting freedom, both of them for one year at most, or three penalties restricting freedom, one of which is for one year at least, because of theft, swindling, breach of trust, hiding objects obtained there from or attempt to perpetrate such crimes, and then he commits or attempts to commit a misdemeanor, in one of the mentioned publishable crimes, after he has been sentenced to the last of these penalties, the court shall condemn him to temporary incarceration for a period not exceeding five years in lieu of applying the provisions of the preceding article.

Article 108

The court shall, in accordance with the provision of the preceding article, sentence the perpetrator of a misdemeanor mentioned therein, after he has been sentenced in one of the crimes mentioned in articles 305, 424, 426 and 428 to two penalties restricting freedom, both for one year at least, or to three penalties restricting freedom, one of them at least is for a period of one year.

TITLE SEVEN CRIMINAL MEASURES

CHAPTER ONE KINDS OF CRIMINAL MEASURES

Article 109

Criminal measures are either restricting freedom, depriving of right or material punishments.

SECTION ONE MEASURES RESTRICTING FREEDOM

Article 110

Measures restricting freedom are:

- Prohibition of frequenting certain public places.
- Prohibition of residing in a specific place.
- Surveillance.
- Obligation to work.

- Deportation from the state.

Article 111

The court shall prohibit the condemned from frequenting the public places specified by it should the crime be perpetrated under influence of intoxication or narcotics as well as the other instances provided for in the law. Prohibitions shall be for a minimum period of one year and a maximum of five.

Article 112

Prohibition of residence in a specific place is depriving the convict to reside or frequent, subsequent to his release, this place or the places specified in the judgment for a minimum period of one year and a maximum of five.

Article 113

If a person has been sentenced to a death penalty or life or life imprisonment and a special pardon has been granted forfeiting whole or part of this penalty or exchanging it for a milder penalty, the public prosecution must submit his case to the court that rendered the judgment in order to decide whether to prohibit him from residing in the place or places it specifies for a period of five years; unless the pardon decision stipulates otherwise. In case of rendering a temporary imprisonment, the court may order prohibiting the convict from residing in specific place or places for the period of the sentence provided it does not exceed five years. Should the judgment rendered in the felony sentence the convict to detention, the court may decide to prohibit residence for a period not exceeding two years.

Article 114

The court that has rendered the judgment may, upon request of the public prosecution or the convict, shorten the period of the sentence decided under the preceding articles, exempt the convict from the remaining period or modify the places in which the criminal measures are to be executed.

Article 115

Surveillance is obliging the convict to comply with all or part of the restrictions, as specified in the judgment:

- Keep the place of residence unchanged unless the change is approved by the competent administrative body and, in case he has no place of residence, the said body shall determine such place to him.
- Present himself to the competent administrative body at periodic interval as fixed by the said body.

- Abstain from frequenting the places specified in the judgment.
- Abstain from leaving his dwelling at night time except by permission of the competent administrative body.

Article 116

If a person has been sentenced to a death penalty or life imprisonment and a special pardon has been granted forfeiting whole or part to this penalty or exchanging it for a milder penalty the convict shall ipso jure be subject to the surveillance restrictions provided for in paragraphs 1, 2 and 4 of the preceding Article (for a period of five years, unless otherwise provided in the pardon order.

Article 117

If a person has been sentenced to life or term imprisonment for a felony violating the state internal or external security, he must be put under surveillance for a period not exceeding five years, where the court renders a judgment in a felony imposing a penalty restricting freedom for a period exceeding one year, it may put the convict under surveillance for a period not exceeding five years and not beyond the period of the penalty.

Article 118

The surveillance period shall start from the date fixed in the judgment for its execution but the date fixed for its expiry shall not be extended should the execution thereof become impossible.

Article 119

The court shall supervise the execution of the surveillance through periodic reports, submitted to it by the competent administrative body, every three months at least, on the behavior of the convict. The court may amend the surveillance restrictions or allow total or partial exemption there from.

Article 120

Obligation to work is ask the convict to perform an appropriate work in one of the government institutions or establishments, as determined by a decision issued by the minister of justice in agreement with the ministers of interior and labor and social affairs, provided he is given one fourth of the salary prescribed. Obligation to work shall only apply to misdemeanors and in lieu of the penalty of detention or fine and provided that the obligation to work is not for less than ten days and not more than one year.

Article 121⁽¹⁾

In case a foreigner is sentenced to a penalty restricting freedom in a felony or a misdemeanor, the court may order its deportation out of the state and deportation becomes a must in crimes against

honor. In misdemeanors, the court may order deportation in lieu of sentencing the convict to the penalty restricting freedom applicable on misdemeanors.

SECTION TWO MEASURES DEPRIVING FROM RIGHTS AND MATERIAL MEASURES

Article 122

The measures of deprivation of rights and material measures are:

- Forfeiture of tutorship, trusteeship, curatorship or proxy on the absentee.
- Prohibition to practice a specific work.
- Withdrawal of the driving license.
- Closing the premises.

Article 123

Forfeiture of tutorship, trusteeship, curatorship or proxy on the absentee is depriving the convict from exercising such authority whether it concerns the person or the property. Forfeiture shall be for the period fixed by the court. The court may restrict forfeiture to some of the authorities resulting from tutorship, trusteeship, curatorship or proxy on the absentee.

Article 124

In case the tutor, trustee, curator or proxy on the absentee is condemned for a crime perpetrated in breach of the duties of his authority, the court may order the forfeiture of his tutorship, trusteeship, curatorship or proxy on the absentee. The order of forfeiture becomes mandatory if he perpetrates a crime disqualifying him of becoming a tutor, trustee, curator or proxy on the absentee.

Article 125

Prohibiting the practice of a work is the deprivation of the right of practicing a profession, craft, an industrial or a commercial activity which practice require a license from the public authority.

Article 126

If a person perpetrates a crime in violation of his profession, craft, industrial or commercial activity for which he was sentenced to a penalty restricting his freedom for a minimum period of six months, the court may upon conviction prohibit him from practicing his work for a maximum period of two years. In case of recidivism of such crime during the five years following the issuance of a decisive judgment of prohibition, the court must order the prohibition for a minimum period of one year but not exceeding five. The period of prohibition shall commence the date on which the execution of the penalty has been completed or expired for any reason. Such a measure may suffice in lieu of the

principal penalty prescribed for the crime.

Article 127

Withdrawal of the convicts driving license may result in suspending its effects for the period fixed by the court which should not be less than three months and not more than two years. Such a measure may be ordered upon sentencing the convict to a penalty restricting freedom for a crime perpetrated through a transport mechanical device in violation to the obligations imposed by law.

Article 128

Excluding the special instances where the law provides for the closing of the premises, the court, in prohibiting a person from practicing his business in accordance with Article (126, may order the closure of the premises where he practices this business for a minimum period of one month and a maximum of one year. The closure shall entail the prohibition of carrying on the same business, trade or industry in the same place whether directly by the convict or through a member of his family or any other person to whom the convict has leased or assigned the premises subsequent to the perpetration of the crime. This prohibition does not apply to the owner of the premises or any person having a real right there on, if he has no relation with the crime.

CHAPTER TWO GENERAL PROVISIONS

Article 129

Measures provided for in this title may not be taken against a person without establishing that he has perpetrated an act that the law considers a crime and his condition requires taking such measure for the safety of the society. The condition of the convict is considered dangerous to society if his circumstances, past, behavior, the crimes, circumstances or motives show a serious probability that he is going to perpetrate another crime.

Article 130

Any violation to the provisions of the adjudicated criminal measure shall be sanctioned by detention for a period not exceeding one year or a maximum fine of five thousand dirhams. In lieu of applying the penalty prescribed in the preceding paragraph, the court may order to extend the period of the measure by a maximum of one half of the sentence period, provided it does not in any case exceed three years, or substitute this measure by any other provided for in the preceding chapter.

Article 131

Measures provided for in this title may not be subject to a stay of execution.

Article 132

The court may, upon request of the concerned person or the public prosecution, order the termination of the amendment in scope of any of the inflicted measures from among those provided for in the preceding articles, deportation excepted, as it may upon the public prosecution's request cancel at any time the measure. Should the request, referred to in the preceding paragraph, be rejected, it may not be submitted again except after three months at least from the date of its rejection.

TITLE EIGHT COLLECTIVE DEFENSE

CHAPTER ONE CASES OF SOCIAL DEFENSE

SECTION ONE MENTAL OR PSYCHIC DISEASE

Article 133

Should the act constituting the crime be perpetrated by a person under the influence of lunacy, mental handicap or a psychic illness that made him lose absolute control of his acts, the court shall order his reclusion in a treatment house, in accordance with a decision taken by the minister of justice in consultation with the minister of health. The same measure shall be adopted with regard to whoever is, subsequent to the judgment, in one of these conditions.

SECTION TWO REGULAR CRIMINALS

Article 134

Should recidivism occur in accordance with the two articles 107 and 108, the court may, in lieu of inflicting the penalty prescribed therein, decide to consider the recidivist regular criminal and shall in this case order to detain him in one of the labor institutions to be formed and organized by a regulation, issued by the minister of labor and social affairs, in which the manner of treating the detainees in it shall be determined. Where the recidivist has previously been sentenced to the penalty prescribed in articles 107 and 108 and then perpetrates a felony, the court may, instead of inflicting the penalty which the perpetrator deserves, consider him a regular criminal and order his detention in one of the labor institutions.

SECTION THREE SOCIAL DANGER

Article 135

A person may constitute a social danger if he is lunatic, mentally disabled or afflicted by a psychic disease disabling him from controlling his acts so as his personal safety of others are endangered, he shall in this case be detained in a treatment asylum by order of the competent court upon request of the public prosecution.

CHAPTER TWO SOCIAL DEFENSE MEASURES

Article 136

Social defense measures are the following:

- Detention in a treatment asylum.
- Detention in one of the labor institutions.
- Surveillance.
- Obligating him to reside in his domicile of origin.

Article 137

Whoever is sentenced to be detained in a therapeutic asylum shall be sent to a health institution specialized for the purpose where he shall receive the care that his condition requires. Health institutions shall be determined by a regulation to be issued by the minister of health in agreement with the minister of justice. Should he be sentenced to detention in a therapeutic asylum, the competent court shall examine the medical reports on the condition of the convict at periodic intervals not to exceed six months each. The court may, after consulting the public prosecution, may order the release of the convict if it appears that his condition so permits.

Article 138

In instances where the law provides for the detention in one of the labor institutions, the court shall order such measure without fixing the detention period. Persons in charge of the administration of the institution have to submit to the competent tribunal through the public prosecution periodical reports on the condition of the convict with- in periods not exceeding six months each the court may after seeking the opinion of the public prosecution order his release if it finds that his condition has improved. The period of detention for the regular criminals may not exceed five years in misdemeanors and ten in felonies.

Article 139

The provisions of Article (115 of this title shall apply to surveillance which period may not exceed three years.

Article 140

The obligation to reside in the domicile of origin consists in having the person return to this domicile where he was residing prior to his move to the place where it is established that he became a social danger. This obligation may not last for less than six months and not more than three years.

Article 141

Upon violation of the measures taken according to this title, the court may extend the period of the measure for a term not exceeding half of the sentence period.

Article 142

The execution of the social defense measures may not be stayed.

TITLE NINE GENERAL AMNESTY, REMISSION FROM PENALTY AND JUDICIAL PARDON

Article 143

General amnesty for a specific crime or crimes shall be granted by a law and result in the extinction of the criminal action or deletion of the judgment of conviction rendered in it, considering these crimes or this crime as non-existing and forfeiture of all principal and accessory penalties and criminal measures, without having any effect on all penalties and criminal measures that have been previously executed.

Article 144

If a general amnesty law has been enacted for part of the penalties adjudged, it shall be considered as a special pardon and its provisions shall apply thereto.

Article 145

Special pardon shall be granted by decree that includes forfeiture of the adjudged penalty, from the federal judiciary point of view, totally or partially or replace it by a milder penalty prescribed by law. A special pardon does neither entail forfeiture of the accessory penalties nor the other criminal effects or criminal measures unless provided otherwise in the decree. The special pardon shall be of no

effect on the penalties previously executed.

Article 146

Forfeiture of the penalty or criminal measure by special pardon shall be considered as if executed.

Article 147(1)

In addition to the instances for which a special provision is prescribed, the judge may pardon the convict for a misdemeanor in one of the following cases:

- If the convict did not reach twenty-one years of age when perpetrating the crime and he has not been condemned for another crime.
- Where the misdemeanor is one of insult or battery, and the assault was reciprocated, or the assault was minor and the victim desisted himself of his personal right to sue.
In case of pardon, the judge shall address the perpetrator whatever advice and guidance he deems appropriate and warn him that he will not benefit in future of a pardon anew:

Article 148

Pardon of any kind a not prejudice whatever rights the litigants or third parties may have.

BOOK TWO CRIMES AND THEIR PENALTIES

TITLE ONE CRIMES AGAINST STATE SECURITY AND INTERESTS

CHAPTER ONE CRIMES AGAINST STATE EXTERNAL SECURITY

Article 149

Every citizen joining, in any manner, the armed forces of a county in a state of war with the state or the armed forces of a group hostile to the state shall be sentenced to capital punishment.

Article 149/1(1)

Whoever commits an action that causes damage to the sovereignty, independence or unity of the State or the safety of its territories.

Article 149/2⁽²⁾

Whoever bears an arm against the state, attempts or instigate to the so shall be sentenced to life or term imprisonment

Article 150

Shall be sentenced to death:

- Whoever interferes in favor of the enemy in scheme to shake the loyalty of the armed forces, to weaken its moral spirit or its resistance force.
- Whoever, in time of war, instigates soldiers to enroll in the service of any alien country or facilitates such enrollment.
- Whoever interferes, in any manner whatsoever, in gathering soldiers, men, funds, supplies, ammunitions, or arrange for any of these for the benefit of a country in state of war with the state or of a group hostile with it.

Article 151⁽¹⁾

Shall be sanctioned to death or life imprisonment whoever facilitates to the enemy entry to the state's territory or surrenders to them parts of its lands, cities, ports or a fortress, a facility, a location, a warehouse, a factory, a vessel, an airplane, any transportation means, a weapon, an ammunition, explosives, a war equipment or materials destined for defense or used for the same purpose. The penalty shall be term imprisonment, should he deliver to the enemy supplies or food or the like prepared for defense or used for the same purpose.

Article 152⁽¹⁾

Shall be sentenced to life or term imprisonment, whoever assists the enemy purposefully by disclosing information or act as a guide thereof. Shall be sentenced to term imprisonment, whoever ex- tends to the enemy forces a service in order to obtain a benefit or interest or promise thereto for himself or to person named by him for this end, whether this be on direct or indirect basis and regardless of whether the benefit or interest be material or not. The sentence, under any circumstances, shall be a mini- mum fine of one hundred thousand dirhams and maximum of double the benefit or interest.

Article 153⁽²⁾

Shall be sentenced to term imprisonment, whoever knowingly aids or assists a prisoner of war or a detained enemy soldier, citizen, agent, or any of them or provides them with shelter, food, clothes, transportation means or through any other form of assistance or if he hides any of them after their escape

from internment.

The penalty shall be life imprisonment if the person offering assistance resists the authorities in order not to re-arrest any of the aforementioned. The penalty shall be death sentence should the resistance result in the death of a person.

Article 153/1⁽¹⁾

Shall be sentenced to life imprisonment every public servant in charge of guarding a war prisoner, or one of the incarcerated enemy citizens or agents, who willfully facilitates his escape from the place of incarceration. The penalty shall be prison for a period not exceeding five years in case the act resulted from negligence or failure of proper watching.

Article 154

Shall be sentenced to capital punishment, whoever seeks with a foreign enemy country, or with any one serving its interests or communicates with any of these, to assist the said county in its war operations or to jeopardize the states war operations.

Shall be sentenced to life imprisonment, whoever seeks with a foreign enemy country or with any one serving its interests or communicates with any of these, to perpetrate hostile acts against the state.

Article 155⁽¹⁾

Should any of the following acts occur during peace time, the sanction is imprisonment for a period not exceeding ten years and, if in war time, ten years shall be the minimum sanction:

- Whoever works with a foreign enemy country or with any one serving its interests or communicates with any of these and as a result thereof the military, political or economic position of the State is jeopardized.
- Whoever deliberately destroys, conceals, embezzles or counterfeits papers or documents knowing that they relate to the State security or any other national interest.

Should the crime occur for the purpose of prejudicing the military, political or economic position of the State, jeopardizing a national interest or be perpetrated by a public servant or a person in charge of a public service, this shall be considered an aggravating circumstance.

Article 156

Shall be sentenced to life imprisonment, whoever is in charge of negotiating with an alien government or an international organization in one of the state affairs and deliberately conducts such negotiations against the state interests.

Article 157⁽¹⁾

Whoever asks, accepts or takes for himself or for others, even though intermediation, from an foreign country or any one working for its benefit, a gift or an advantage of any kind, or has been promised any of these, for the purpose of perpetrating an act jeopardizing a State interest, shall be sentenced to term imprisonment and a minimum fine of one hundred thousand dirhams but not exceeding double the value of what was asked, accepted, taken or promised. The penalty shall be life imprisonment and the mentioned fine if the perpetrator is a public servant, a person commissioned of a public service or if any of the said crimes have been perpetrated in war time.

Shall be sentenced to term imprisonment and a minimum fine of one hundred thousand dirhams but not exceeding double the value of what was asked, accepted, taken or promised, whoever has given, promised or offered something mentioned here in above for the purpose of perpetrating an act prejudicial to a national interest, even if the item given, promised or offered was not accepted. Shall equally be sentenced to the same penalty whoever acts as an intermediary in the perpetration of one of the crimes mentioned in the present article.

In case the request, acceptance, promise or offer is made in writing, the crime shall be complete as soon as the writing is emitted or dispatched by any other means.

Article 158

Shall be sentenced to death or life imprisonment, whoever delivers or discloses in whatever manner and by any means to an alien county, or to one of those serving its interests, any state defense secrets or has by any means obtained such secret for the purpose of delivering or disclosing it to an alien country or to whoever is serving its interests the same penalty shall apply to whoever destroys, for the benefit of an alien country any of these defense secrets or made it unfit for use.

Article 159⁽¹⁾

Shall be sentenced to term imprisonment, every public servant, or a person commissioned with a public service, who discloses a secret entrusted to him concerning state defense. The penalty shall be life imprisonment if the crime is perpetrated during war time.

Article 160⁽²⁾

Shall be sentenced to term imprisonment:

- Whoever endeavors to obtain by any illicit means a state defense secret without the intention of delivering or disclosing it to a foreign country or to one serving its benefits.
- Whoever propagates by any means a state defense secret

Whoever devises or uses a communication means or information technology to attain, deliver or disseminate a State defense secrets

The penalty shall be life imprisonment if the crime occurs during war time.

Article 161

Shall be sentenced to life or term imprisonment, whoever deliberately destroys, impairs or disrupts a weapon, a vessel. A airplane, equipment, establishment, means of transport, public utility, ammunition, supplies, drugs or other things that are set up for the state defense or used for this purpose. The same penalty shall apply to whomever deliberately manufactures or repairs anything mentioned in the preceding paragraph, as well as whoever deliberately performs an act that renders it unfit, even temporarily, to be used for its intended use or makes it prejudicial. The penalty shall be the death sentence or life imprisonment in case the crime occurs in time of war.

Article 162(1)

Whoever, during war, by himself or through an intermediary and whether directly or through another country, exports goods or products or other materials from the State to a hostile country, or imports any of these objects from such a country, shall be sentenced to term imprisonment and a fine not exceeding double the value of the exported or imported objects and provided the fine is not less than one hundred thousand dirhams. The corpus delicti shall by judgment be confiscated and, if not seized, the convict shall be condemned to a fine equal to the value of the items constituting the corpus delicti.

Article 163(1)

Shall be sentenced to term imprisonment and a fine equal double the value of the item constituting the corpus delicti, but not less than one hundred thousand dirhams, whoever in war time, by himself or through an intermediary, directly or indirectly, performs an act of trade, not stipulated under Article 162 hereof, with the citizens of a hostile country. The items constituting the corpus delicti shall be confiscated and, if not seized, the convict shall be condemned to a fine equal in value with these items.

Article 164(1)

Shall be sentenced to term imprisonment whoever in time of war fails to perform all or part of the obligations imposed thereupon by an agreement of contract, transportation, supply, undertaking, public works or any other contract binding him with the government for the requirements of the armed forces or for the protection of, or supplies to, the civilians or committed fraud in performance thereof. Should the crime be perpetrated for the purpose of jeopardizing State defense or military operations,

the penalty shall be the death sentence or life imprisonment. The provisions of the two preceding paragraphs shall apply on sub-contractors, agents and intermediaries in case the breach of performance or fraud in the execution thereof is due to their act. The convict shall, under all circumstances, be condemned to a fine equal to the value of the prejudice caused to the State property or interests provided the fine does not fall below double the value of the profit derived from such breach or fraud.

Article 165⁽¹⁾

“In case any act stipulated under articles 161 and 164 of this chapter has occurred due to negligence or dereliction, the penalty shall be imprisonment and a minimum fine of one hundred thousand dirhams but not to exceed the value of the prejudice to the State property or interests caused by such negligence or dereliction”.

Article 166⁽²⁾

Shall be sentenced to term imprisonment whoever, without permission from the government, mobilizes soldiers or perform any hostility act against a foreign country jeopardizing the political relations or exposing, the citizens, employees, property or interests of the State to retaliatory measures. Where the act results in the perpetration of anything mentioned in this article, this shall be considered an aggravating circumstance.

Article 167⁽¹⁾

Shall be sentenced to term imprisonment whoever deliberately propagates in time of war false or tendentious news or rumors or make inflammatory propaganda, thus causing damages to the military defense perpetrations made by the armed forces in defense of the State or creating a state of panic between people or weakening the state morale. The penalty shall be imprisonment for a minimum period of five years in case the crime is perpetrated as a result of endeavors or communication with a foreign country; and life imprisonment should these endeavors and communication be with an enemy country.

Article 168⁽¹⁾

Shall be sentenced to imprisonment and/or fine, whoever:

- Flies over any area of the state territory in breach of the prohibition imposed by the competent authorities.
- Takes photographs, designs, maps or coordinates of sites or locations in breach of the prohibition imposed by the competent authorities.
- Enters, without license from the competent authority, a fort, one of the defense installations, a

camp, a petroleum facility, or a location where armed forces or a war or commercial vessel or aircraft or military vehicle has resided or camped, military premises, a shop or factory carrying out a work for the benefit of national defense where the public is prohibited to enter.

4. If present in a place where the military authorities prohibit residence or mere presence.

Should the crime be perpetrated in time of war or by using any means of deceit, fraud, concealment, or non-disclosure of identity, nationality, profession or capacity, the penalty shall be imprisonment for a period not exceeding five years and, in case the two circumstances are present together, the penalty shall be term imprisonment. Attempt to perpetrate the misdemeanors stated herein, shall be sanctioned by incarceration or fine.

Article 169⁽¹⁾

Shall be sentenced to term imprisonment, whoever publishes, diffuses or delivers to a foreign county or to a person serving its interests, in any manner whatsoever, news, information, objects, correspondence, documents, maps, designs, photographs, coordinates or other items concerning government departments or one of the bodies stipulated under Article (5) of hereof and which publication or diffusion is prohibited by the competent authority.

Article 170⁽¹⁾

The following shall be considered a State defense secret:

- Military, political, economic, industrial, scientific and security information which are by nature known exclusively to persons having capacity thereto and the State interest requires that such information has to remain secret for others.
- Correspondence, written instruments, documents, drawings, maps, designs, pictures, coordinates and other items, which disclosure shall reveal the information referred to in the than those in charge of their preservation or use. News and information concerning the armed forces, the ministry of Interior, the security forces, and their formation, maneuvers, equipment, supplies, staff and other items which may affect military affairs, war and security plans,

unless a written authorization has been given by the authority in charge of their publication and diffusion.

4. News and information relating to measures and procedures that are adopted to detect the crimes provided for in the present Chapter and arrest the perpetrators; as well as news and information relating to the conduct of investigation and trial in case the competent investigation authority or the court prohibits their diffusion.

Article 170/1⁽¹⁾

In case the convict perpetrates one of the crimes, provided for in Articles (154), (155 clause 1 item 1 and clause 2), (157), (158), (167) and (169) of this Chapter, with a foreign group or organization or other regardless of its denomination, or with one of those serving its interest, shall be sentenced to the penalty prescribed for this crime.

Article 171⁽²⁾

- Shall be sanctioned in the capacity of accomplice by assistance to the crimes provided for in Chapters I and II of this Title:
-
- Whoever is aware of the intentions of the culprit and provides him with assistance, means of subsistence, dwelling, shelter, a place to meet or any other facility; as well as whoever carries his messages, facilitates to him the search for the object of the crime, hide it, move it or supplies information thereof.
- Whoever knowingly conceals objects used or prepared to be used in the perpetration of a crime or resulted there from.
- Whoever destroys, embezzles, conceals or deliberately alters a document that facilitates the detection of the crime or of its evidences or punishment of its perpetrator.

The court may, in the above instances, exempt relatives and in-laws of the perpetrator up to the fourth degree in case they are not sanctioned by another law provision.

Article 172

Shall be sentenced to term imprisonment or detention whoever participates in a criminal scheme whether for the purpose of perpetrating crimes provided for in this chapter or use it as a means to reach the objective of the criminal scheme. Shall be sentenced to term imprisonment, whoever instigates reaching an agreement on such scheme or is instrumental in managing it. Nevertheless, if the objective of the agreement is to perpetrate a specific single crime or use it to reach the intended objective, the penalty shall be that prescribed for this crime. Shall be sentenced to detention, whoever invites another person to join such an agreement and his invitation was turned down.

Article 173

Shall be exempted from the penalties prescribed in this chapter, an criminal who promptly reports to the judicial or administrative authorities any information known to him prior to the perpetration of the crime and prior to commencement of investigation. The court may exempt from the penalty in case the reporting takes place after the perpetration of the crime but before the commencement of

investigation, the court may as well commute the penalty in case the offender facilitates to the competent authorities, during investigation or trial the arrest of one of the perpetrators of the crime.

CHAPTER TWO CRIMES IN VIOLATION OF THE STATE INTERNAL SECURITY

Article 174⁽¹⁾

Shall be sentenced to death, whoever attempts, or starts to execute, overthrowing or taking over the State's system of government by use of force.

Article 175⁽¹⁾

Shall be sentenced to life imprisonment, whoever at- tempts to commit an aggression against the safety of the State President, his freedom or deliberately exposes his life or freedom to danger. The sentence shall be the death penalty if the crime is consummated or its perpetration has commenced.

Article 176⁽²⁾

Shall be sentenced to imprisonment for a maximum period of five years whoever deliberately and publicly insults the State President, flag or national emblem.

Article 177

Shall be sentenced to term or life imprisonment, whoever resorts to violence, threat or any other illicit means to force the president of the state to do or abstain from doing an act legally failing within his jurisdiction.

Article 178

Shall be sentenced to imprisonment for a term of ten years, whoever resorts to violence or threat or any other illicit means to force the prime minister, his deputy, one of the ministers, the president of the national federal council or any of its members to do or abstain from doing an act legally failing within his jurisdiction

Article 179⁽¹⁾

Shall be sentenced to life imprisonment, whoever at- tempts to commit an aggression against the security or freedom of the president of a foreign country. The sentence shall be the death penalty in case the crime is consummated or its perpetration has commenced. The lawsuit in any of the crimes provided for herein shall only be filed by the Attorney General.

Article 180⁽²⁾

Shall be sentenced to term imprisonment, whoever establishes, founds, organizes or administers an association, organization, formation, group, gang or branch to one of these regardless of its denomination or from, that aims at calling to overthrow or take over the system of government, disrupting the application of the constitution or law provisions, fighting the fundamental principles on which is based the governing system in the state, preventing one of the state organizations or one of the public authorities to perform their duties, violating personal freedom of citizens or any other public liberties or rights protected by the constitution or the laws, or jeopardizing national unity or social peace

Shall be sentenced to imprisonment for a maximum period of ten years, whoever joins one of the associations, organizations or formations provided for in the first paragraph hereof or cooperates or participates with it in any manner whatsoever, or provides it with financial or material assistance, being aware of its objectives.

Article 180/1⁽¹⁾

Shall be sentenced to imprisonment for a maximum period of ten years, whoever propagates orally, in writing or by any other means any of the acts or objectives stipulated under Article (180) of this Chapter. Shall be sentenced to the same penalty, whoever possesses in person or through an intermediary or acquires any writing, printed materials or recordings including promotion or encouragement of anything provided for in the first paragraph if is ready for distribution or perusal by others, as well as whoever possesses or acquires any means of printing, recording or publicity used or prepared to be used, even temporarily, for printing, recording or diffusing any of the abovementioned matters.

Article 181

Shall be sentenced to detention for a term not exceeding six months and a fine not exceeding three thousand dirhams.

Whoever establishes, founds, organizes or administers in the state, and without license from the government, an association, organization or formation of any kind, having an international character, or a branch of any of these. The maximum level of the penalty shall be doubled should the license be obtained by fraudulent misrepresentations. Shall be sentenced to detention for a term not exceeding three months or a fine not exceeding two thousand dirhams, whoever joins an association, organization, formation or a branch of what is mentioned in the first paragraph.

Article 181/1⁽¹⁾

Shall be sentenced to detention and/or a fine, whoever establishes, founds, organizes or administers in the state and without a license from the competent authorities, a worship place or a pace for religious teaching.

Article 182⁽²⁾

In the instances stated under Articles 180, 180/1, 181 and 181/1 hereof, the court shall rule the dissolution of the said associations, organizations, formations or the branches thereof and order the closing of their premises.

The court shall, under all circumstances, order the confiscation of cash money, personal belongings, papers, materials and other items used for the perpetration of the crime or are found in the places reserved for the meetings of the said associations, organizations, formations or branches. The court shall likewise order the confiscation of each property that is apparently included in the property of the condemned party should there be sufficient presumptions or proof that this property is a source of income allocated to be spent on the said associations, organizations, formations or branches.

Article 182/1⁽¹⁾

Shall be sentenced to imprisonment for a maximum period of ten years, whoever exploits religion to propagate verbally, by writing or by any other means, ideas that may give rise to commotion or prejudice national unity or social peace.

Article 182/2⁽²⁾

Shall be sentenced to detention whoever had knowledge of the perpetration of the crimes provided for in Chapter I and II of this Title and did not promptly inform the competent authorities. The court may exempt from this penalty the relatives and in-laws of the culprit up to the fourth degree.

Article 183

Shall be sentenced to life imprisonment whoever, for a criminal purpose, assumes the command of a unit or division of an army, part of the fleet, a warship, military aircraft, military post, port or city without assignment from the government or without licit cause. Shall be sentenced to the same penalty, whoever despite the order issued to him by the government, remains in any military command and every commander of a military force that he maintains despite a government order to discharge it.

Article 184

Shall be sentenced to term imprisonment, whoever is entitled to issue orders in the armed forces, the ministry of interior or security forces and asks or commission them to disrupt government orders, if this is done for criminal purpose. If the crime results in obstructing the execution of the government orders, the penalty shall be death or life imprisonment. As for this subordinate, warrant officers or troop commanders, who obeyed him while being aware of his criminal intention, they shall be sentenced to imprisonment for a minimum term of ten years.

Article 185

Shall be sentenced for a term not exceeding ten years, whoever incites the soldiers to disobey or to deviate from discharging their military duties.

Article 186

Shall be sentenced to death or life imprisonment, whoever forms a gang that assaulted a group of inhabitants or offered armed resistance to the public authority officers in order to prevent the implementation of laws, as well as whoever was a leader of such a gang or has occupied a leading position in it. As for who joined the gang but did not participate in its formation and did not occupy any leading position in it, he shall be sentenced to life or term imprisonment.

Article 187

Shall be sentenced to death or life imprisonment, whoever appoints himself leader of an armed gang or occupied in it any commanding position, managed its operations or organized it, for the purpose of usurping or plundering lands or property owned by the government or by a group of people, offer resistance to the military force in charge of pursuing the perpetrators of these crimes. Other members of the gang shall be sentenced to term imprisonment.

Article 188

Shall be sentenced to life or term imprisonment whoever knowingly provides or gives the gang referred to in the preceding Article (weapons, equipment or tools that it can use to reach its purpose; provides supplies or raise funds to the said gang or enters into criminal communication of all sort with its leaders or directors; as well as provides dwellings or shelters to take refuge or hold their meetings, with knowledge of their purposes and identity.

Article 189

Shall be sentenced to life or term imprisonment, whoever attempts by force to occupy one of the public buildings or a building reserved for the use of the government or one of the entities mentioned in Article (5). Should the crime be perpetrated by an armed gang, shall be sentenced to death or life imprisonment whoever formed the gang as well as its leader or one who occupies any commanding position in it.

Article 190

Shall be sentenced to detention, whoever purposely damages public buildings or property reserved for the use of the government or one of the entities mentioned in Article (5). The penalty shall be imprisonment for a term not exceeding five years if the crime results in paralyzing a public utility or public benefit works, or in endangering the life health or security of the people. The penalty shall be life or term imprisonment in case the crime is perpetrated in time of turmoil, conspiracy or for the purpose of provoking panic or spread anarchy among the people. The provision of this Article (shall apply to the destruction or damaging of mobile sanitary installations or units, the material and instruments included, or disrupt any object contained there- in or render it unfit for use. Under all circumstances the perpetrator shall be condemned to pay the value of the damaged item.

Article 191⁽¹⁾

Every instigator to the perpetration of one of the crimes provided for in articles 174, 175, 177, 178, 183, 184, 186, 187,188, 189, paragraph three of Articles 190, 193, 194, 195 and 196, shall be sentenced to imprisonment for a maximum period of five years should this instigation be without effect.

Article 192⁽²⁾

Shall be sentenced to imprisonment for a maximum period of five years, whoever is party to an agreement aiming at the perpetration of one of the crimes referred to under Article 191 hereof, or using it as a means to reach the intended purpose. Shall be sentenced to term imprisonment, whoever in- cites to reach such agreement or is in a position to manage its execution.

Nevertheless, if the purpose of the agreement is the perpetration of a specific crime or the use thereof as a means to realize its intended purpose, and if its penalty is less than that provided for in the two preceding paragraphs, the penalty shall be limited to the one prescribed for such crime. Shall be exempted from the penalties prescribed in the first three paragraphs hereof, any of the culprits who takes the initiative to inform the competent authorities of the existence of such an agreement and the participants thereto prior to the perpetration of any of the stated crimes.

Article 193

Shall be sentenced to life or term imprisonment, whoever manufactures or imports explosives without obtaining a license therefore. Shall be sentenced to term imprisonment, whoever possesses or obtains explosives without license. Shall be considered as explosive, any of its components, as determined by regulation issued by the competent minister, as well as all apparatus, machinery and material used in the manufacture or explosion thereof.

Article 194

Shall be sentenced to death, whoever uses explosives in the perpetration of one of the crimes provided for in articles 189 and 190.

Article 195

Shall be sentenced to term imprisonment, whoever deliberately uses or is about to use explosives that endangers the life of the people.

Article 196

Shall be sentenced to imprisonment for a term not exceeding ten years, whoever deliberately uses or starts to use explosives, where the effect of such use is to expose the property of others to danger. In case the explosion causes a serious prejudice in these properties, the penalty shall be term imprisonment.

Article 196/1⁽¹⁾

Shall be sentenced to detention whoever calls for adhering to an agreement the purpose of which is to perpetrate one of the crimes provided for in the articles referred to under Article

- Hereof should his invitation be turned down.

Article 196/2⁽²⁾

Shall be sentenced to detention whoever discovers a plan to perpetrate one of the crimes provided for in the articles referred to under Article (191) hereof and does not report the same to the competent authorities. Shall be exempted from the penalty imposed for not reporting the said plan a spouse, an in-law, or a relative thereof until the fourth degree.

Article 197

Shall be sentenced to detention whoever instigates the other through any means of publicity to

disregard the laws or commended a matter that is considered a crime.

Article 197/1⁽¹⁾

Shall be sentenced to detention or a fine, whoever participates in a gathering in order to prevent or obstruct implementation of the laws or statues, should this endanger public peace, despite the fact that the members of this gathering have been ordered by the police to disperse but they refused to obey or to follow the order. The penalty shall be imprisonment for a maximum period of five years if the purpose of the gathering is to perpetrate a crime. The penalty shall be imprisonment for a minimum period of five years if one or more of the individuals constituting the gathering are in possession of arms, apparent or hidden, even if they are licensed. Shall be sentenced to the same penalty, whoever instigates to perpetrate one of the crimes provided for in this article.

Article 197/2⁽¹⁾

Shall be sentenced to imprisonment and fine, whoever makes use of any means of communication or information technology or any other means, to diffuse information or news or to instigate to do acts that lead to expose the State security to danger or are incompatible with public policy.

Article 198

Whoever incites by any means of publicity to hate or disdain any class of persons, in case this incitement leads to disturbance of public security, shall be sentenced to detention for a period not exceeding one year and/or a maximum fine of five thousand dirham.

Article 198/1⁽²⁾

Shall be sentenced to detention, whoever deliberately diffuses false or tendentious news, information or rumors, or spreads provocative propaganda should it lead to disturbance of public security, cause panic among people or be prejudicial to the public interest. The same penalty shall apply to whoever possesses in person or through others or acquire writings, printings or recordings, of any type, that include any of the items mentioned in the first paragraph hereof if it is ready for distribution or perusal by others. The same also applies to whoever possesses or acquires any printing, recording or publicizing media used or usable, even temporarily, for printing, recording or diffusing any of the above mentioned. The penalty shall be term imprisonment should the culprit be a member of the armed forces, the ministry of interior or security forces or if the acts provided for in the two preceding paragraphs have been performed in worship places or in places reserved for the armed forces, the ministry of interior or security forces.

Article 199

The court shall render a death sentence in any felony provided for in this chapter should it be perpetrated in time of war with a view to assisting the enemy or prejudicing war operations of the armed forces should it attain its pursued objective.

Article 200

No penalty shall be inflicted on whoever forms part of the gangs, associations, organizations or formation provided for in this chapter but has no leading or commanding positions in it and has left upon first warning from the civil or military authorities or after warning should he have been arrested far from the meeting places and without resistance. In these two instances, he shall not be penalized for the crimes he personally perpetrated.

Article 201

Any of the offenders, in one of the crimes stated in this chapter, who takes the initiative to inform the judicial or administrative authorities of the perpetration of such crimes prior to its detection, shall be exempted from penalty. In case the reporting takes place subsequent to the detection of the crime, the court may exempt him from the penalty if the reporting leads to the arrest of the remaining culprits.

CHAPTER THREE CRIMES AFFECTING THE NATIONAL ECONOMY

Article 202

Shall be sentenced to term imprisonment, whoever destroys, through any means, a factory, any of its appurtenances or utilities, raw materials warehouses, consumable products or goods or any other fixed or movable property made ready for the execution of the development plan.

Article 203

Shall be sentenced to imprisonment for a term not exceeding one year, whoever instigates, by any means of publicity, to withdraw funds deposited with banks or public treasury or to sell government bonds or other public bonds or to refrain from purchasing same.

CHAPTER FOUR FORGING CURRENCY OR GOVERNMENT SECURITIES

Article 204

Shall be sentenced to life or term imprisonment and a fine, whoever counterfeits, falsifies or forges, through a means whatsoever whether in person or through an intermediary, currency note or coin in legal circulation in this or in any other state, or a government bond. A coin currency shall be considered falsified if any of its metal is diminished or if it has been coated with paint so as to make it similar to another more valuable currency.

Article 205

The same penalty mentioned in the preceding Article (shall apply to whoever, in person or through an intermediary, brings in the state or takes out from it a currency or a security, mentioned in the preceding article, whenever it is counterfeited or forged; as well as whoever promotes, deals or possesses any of these for the purpose of promotion or dealing, being aware of the counterfeiting, falsification or forgery.

Article 206

Should the crimes provided for in the two preceding articles result in a devaluation in price of the national currency or the government securities, or in shaking financial confidence in the local or foreign markets, the penalty shall be life imprisonment.

Article 207

Shall be sentenced to detention for a term not exceeding one year or a fine not in excess of five thousand dirham, whoever promotes a cancelled metal or not currency, brings it back into circulation or causes its entry in the country, with knowledge thereof.

Article 208

Shall be sentenced to detention for a term not exceeding three months or to a fine not in excess of two thousand dirham, whoever accepts in good faith a counterfeited or falsified metal or paper currency then deals with any of it after he had knowledge of the counterfeiting, falsification or forging. The same penalty shall apply to whoever refuses to accept a valid national currency at the par value fixed for it by law.

Article 209

Shall be sentenced to detention for term not exceeding five years, whoever manufactures

machines, tools or other objects affected to be used in counterfeiting, falsification or forgery any of the things mentioned in Article (204, or obtained same for the purpose of using it to this end. Shall be sentenced to detention whoever possesses such machines, tools or objects with knowledge of their status.

Article 210

Any offender taking the initiative to inform the judicial or administrative authorities, before utilizing the counterfeited, falsified or forged currency or bond and prior to the detection of the crime, shall be exempted from the penalty. In case the reporting takes place subsequent to the detection of the crime, the court may exempt him from the penalty if the reporting leads to the arrest of the other culprits.

CHAPTER FIVE FORGERY

SECTION ONE FORGERY AND COUNTERFEITING OF SEALS, MARKS AND STAMPS

Article 211⁽¹⁾

Shall be sentenced to term imprisonment, whoever forges, in person or through an intermediary, the State's seal, the seal or signature of the State President or those of any of the emirates' rulers, their regents or deputies; or any of the seals, postal or fiscal stamps or marks of the government, its departments, administrations or of the bodies mentioned in Article (5) hereof; or the seal, signature or mark of any of its employees; or the government hallmark on gold, silver or other precious metals or stones. The same penalty shall be inflicted upon whoever makes use of any of the abovementioned items or brings the same into the country despite his knowledge of its counterfeited nature or forgery.

Article 212⁽¹⁾

In case the seals, postal or fiscal stamps or marks constituting the corpus delicti in the crimes stated in the preceding article concerns a juristic person, other than those mentioned therein, the penalty shall be detention.

Article 213⁽²⁾

Shall be sentenced to detention, whoever unduly utilizes the State's seal or the seal of its President, of one of the emirates' rulers, their regents or deputies; any of the seals, postal or fiscal stamps or marks of the government, one of its departments or administrations or any of the bodies

mentioned under Article (5) hereof; or the seal of any of their employees, should this prejudice a public or a private interest.

Article 214

Shall be sentenced to detention for a term not exceeding one year or to a fine not in excess of five thousand dirham, whoever counterfeits or forges metal plates or other marks issued by government departments in implementation of the laws, regulations or rules.

The same penalty shall be inflicted on whoever utilizes any of these objects with knowledge that they are counterfeited or forged, as well as whoever utilizes a genuine plate or mark, mentioned above, without being entitled to do so.

Article 215⁽¹⁾

Shall be sentenced to detention for a maximum term of six months or to a fine not in excess of ten thousand dirhams, whoever manufactures, distributes or offers for sale printed materials or samples, regardless of their manufacturing mode, that resembles in appearance the government marks, postal or fiscal stamps, those concerning wire or wireless communications or those issued by countries forming part of the international postal union. International postal answering coupons shall be considered of the same nature as the mentioned marks and stamps.

SECTION TWO FORGERY OF WRITTEN INSTRUMENTS

Article 216

Forging a written instrument is an alternation of its genuineness, through one of the methods stated hereunder, resulting in sustenance of prejudice, if done with the purpose of using it as a genuine instrument.

Forging methods include:

- Effecting a change in an existing written instrument whether by way of addition, deletion or alteration in its words, numbers, marks or pictures present in it.
- Putting up a forged signature or seal or changing a genuine signature, seal or thumb print.
- Obtaining by surprise or fraud the signature, seal or thumb print of a person without his knowledge of the contents of the instrument or without his valid consent thereto.
- Fabricating a written instrument or imitating it and attributing it to another person.

- Filling a paper signed, sealed or thumb-printed in bank without the consent of the author of the signature, seal or thumb-print.
- Impersonating or exchanging the identity in a written instrument made to establish such identity.
- Alternation of the truth in a just-made instrument as concerns matters that this instrument is designed to establish.

Article 217

Unless otherwise provided, forging an official written instrument shall be sanctioned by imprisonment for a term not exceeding ten years and the penalty as concerns forging an in- formal instrument shall be detention.

Article 217/1⁽¹⁾

Shall be sentenced to imprisonment for a maximum period of five years, whoever forges a copy of an official written instrument when used. The same penalty shall be inflicted upon whoever utilizes a copy of an official written instrument knowing that it is forged.

Article 218

An official written instrument is the one which is written by a public official who, by virtue of his position is charged with the writing thereof or interfering in its writing in any form or to give it the official character. Other written instruments are considered informal.

Article 219

Shall be sentenced to imprisonment for a period not exceeding five years, every physician or midwife knowingly issuing a forged certificate or statement concerning pregnancy, delivery, disability, death or other matters related to his profession, regardless of the fact whether this act is the result of a wish, recommendation or intermediation.

Article 220

Shall be sentenced to detention for a term not exceeding two years or to fine not in excess of ten thousands dirham, whoever reports, during the process of verifying death, inheritance, will prescribed by law, to the authority in charge of issuing notifications, false representations of the facts intended to be established, ignoring their truth or knowing that they are untrue, should the notification be recorded on basis of these statements.

Article 221

Shall be sanctioned to detention for a term not exceeding two years or to a fine not in excess of ten thousand dirham, whoever makes a false statement as to his place of residence, as well as who impersonates, in a judicial or administrative investigation, a name other than his own.

Article 222

Shall be sanctioned to the penalty prescribed for the crime of forgery, as the case may be, whoever uses a forged written instrument with knowledge of this fact. Shall be subject to the same penalty, as the case may be, whoever uses a genuine instrument written in the name of another person or unduly benefits from it.

Article 223

The provision of this section shall not apply to the cases of forgery provided for in special punitive laws.

CHAPTER SIX EMBEZZLEMENT AND DAMAGE TO PUBLIC PROPERTY

Article 224⁽¹⁾

Every public servant or person in charge of a public service, who embezzles funds in his possession on account of his position or his assignment, shall be sentenced to term imprisonment. The penalty shall be imprisonment for a minimum period of five years should the crime be connected or related to a crime of forgery, use of a forged document or a copy of an official written instrument provided that this connection or relation is non-severable.

Article 225

Shall be sentenced to term imprisonment, every public servant or person charged of a public service, taking advantage of his position and unduly appropriate State funds or funds of any of the entities mentioned in Article (5), or facilitates such appropriation to others.

Article 226

Shall be sentenced to imprisonment for a minimum term of five years, every public servant or person in charge of a public service, concerned with the collection of taxes, fees, fines or other similar dues, and knowingly asks payment of the undue or of what is over and above the due sum.

Article 227

Shall be sentenced to term imprisonment every public servant or person in charge of a public service entrusted to safeguard the interest of the State, or of any of the entities mentioned in Article (5, in a deal, transaction or matter, and deliberately prejudices this interest in order to obtain a profit for himself or for others.

Article 228

Shall be sentenced to term imprisonment, every public servant or person in charge of a public service concerned with the preparation, management or execution of contracting works, supplies, public works or contracts related to the State or any of the entities mentioned in Article (5, having drawn benefit, directly or through an intermediary, from any of the mentioned works or obtained for himself or for others a commission on any matter pertaining thereto.

Article 229

Shall be sentenced to imprisonment for a term not exceeding five years, whoever deliberately perpetrates a fraud in the execution of all or any of the obligations imposed upon him in a contracting agreement, or contract of supplies or any other administrative contract with the government or with any of the entities mentioned in Article (5). The penalty shall be term imprisonment should the crime result in a server damage or should the objective of the contract be the satisfaction of the defense and security requirements, in case the perpetrator has knowledge of this objective. Shall be sanctioned to any of the two above penalties, as the case may be, subcontractors, agents, intermediaries should the fraud be imputed to their act.

Article 230

In addition to the penalties prescribed for the crimes stated in this chapter, the offender shall be ordered to restitution and payment of a fine equal in value to the property object of the crime or obtained from it.

**CHAPTER SEVEN
STRIKE AND OBSTRUCTION OF WORK PROGRESS**

Article 231

In case three at least of the public servants leave fulfilling one of the obligations of their employment, being all agreed thereto or aiming to achieve an illicit objective, each of them shall be sanctioned to detention for a term not exceeding one year. The penalty shall be imprisonment in case such leaving or abstention endangers the life, health or security of the people, likely to cause disturbance or turmoil between them, paralyze another public interest or if the offender is an

instigator.

Article 232

Shall be sentenced to detention, whoever violates the right of public servants to work through use of force, threat or any illicit means.

Article 233

Shall be sentenced to detention or to fine, whoever, among the contractors Person entrusted with the administration of a public utility, shall unjustifiably stop working thus causing disruption of dispensing a public service or its irregular functioning.

**TITLE TWO
CRIMES RELATING TO PUBLIC SERVICE**

**CHAPTER ONE
BRIBERY**

Article 234

Shall be sentenced to term imprisonment, every public servant or person in charge of a public service who asked or accepted for himself or for others any grant or privilege of any kind or a promise thereof in return of performing or abstaining from doing an act in breach of the duties of his office. Should the performance or abstention from doing are act be a duty, the penalty shall be imprisonment for after month exceeding tend years. The provision of this Article (shall apply even if the public servant or the person in charge of a public service intends not to perform or abstain from doing this act.

Article 235

Every public servant or person in charge of a public service who ask edoraccepted for himself or for others agrantor privilege of any kind pursuant to the completion or abstention from doing an act in breach of the duties of his office, shall be sentenced to imprisonment for a tern not exceeding ten years. Should the performance or abstention from doing are act be a duty, the penalty shall be detention.

Article 236

Shall be sentenced to imprisonment for a term not exceeding five years, every public servant, or person in charge of a public service, who asked or accepted for himself, or for others, a grant or privilege of any kind or a promise thereof in return of performing or abstaining from doing an act

that is not include in the duties of his office.

Article 236/1⁽¹⁾

Shall be sentenced to imprisonment for a maximum period of five years, every member of the board of directors of any private company, institution, cooperative association or public benefit association, as well as any manager or employee in any of these, how asks for himself or for others, accepts a promise or a grant in return of performing or abstaining from doing an act included in the duties of his office or in breach thereof the offender shall be considered corrupt even if he did not intend to perform the act or to breach the duties of his office. The offender shall be sentenced to the same penalties in case the request, acceptance or taking is subsequent to the performance of the act, the abstention there from or to the breach of the duties of his office and is intended as a reward for so doing.

Article 237⁽²⁾

Shall be sentenced to imprisonment for a maximum period of five years, whoever offers or promises to a public servant or person in charge of a public service, even if he rejects the offer, a grant or privilege of any kind in return of performing, or abstaining from doing an act in breach of the duties of his office.

Shall be sentenced to the same penalty, whoever inter- cedes with the briber or the bribed person to offer a bribe, ask for, accept, take or promise it.

Article 237/1⁽¹⁾

Shall be sentenced to detention for a minimum period of one year and to a minimum fine of ten thousand dirhams whoever asks or accepts for himself or for others a grant, privilege or benefit of any kind in return of his intervention or use of his influence with a public servant to do or abstain from doing an act in breach of the duties of his office.

Article 238

Under any of the circumstances sated in the preceding articles of this chapter articles, the offender shall be sentenced to pay a fine equal to what he asked or accepted provided it does not fall below one thousand dirhams. The grant accepted by, or offered to, the public servant or the person in charge of a public service shall equally be confiscated

Article 239⁽¹⁾

The briber or intermediary taking the initiative to report the crime to the judicial or administrative

authorities, before it is discovered, shall be exempted from the penalty.

CHAPTER TWO ABUSE OF OFFICIAL AND MISUS OF AUTHORITY

Article (240)

Shall be sentenced to detention, every public servant or person in charge of a public service arresting a person, detaining or confining a person in cases other than those provided for by Law.

Article 241

Shall be sentenced to detention for a minimum term of one year, every public servant or person in charge of a public service who has knowingly affected a search on a person or his house or his work premises in cases other than those provided for by law or without observing the conditions stated therein.

Article 242

Shall be sentenced to term imprisonment, every public servant using, in person or through others, torture, force or threat with the accused, a witness or an expert in order to have him confess a crime, make a statement or give information concerning it to withhold any relevant matter.

Article 243

Shall be sentenced to imprisonment for a term not exceeding five years, every public servant who sentences the condemned or orders that he be sentenced to a penalty more severe than that adjudged or to a penalty to which he has not been sentenced.

Article 244

Shall be sentenced to detention for a term not less than one year and not in excess of five years, every public servant concerned with the administration or superintendence of a penitential establishment or any other establishment or institution made ready to execute the penal or social defense measures should he accept to detain a person therein without an order from the competent authority or to maintain his detention after the period specified in the order or abstains from implementing the order by setting him free.

Article 245

Shall be sentenced to detention for a minimum term of one year and/or to a minimum fine of ten

thousand dirhams, every public servant, or person in charge of a public service, using force on a person, basing himself in the power granted to him by virtue of his office, dishonoring or causing him bodily pain.

Article 246

Shall be sentenced to detention, every public servant exploiting the power of his office to stop or delay implementation of the laws, regulations, rules, decisions or orders issued by the government or any judgment or decision rendered by a competent judicial body or delay collecting funds, taxes or dues in favor of the government.

Article 247

Shall be sanctioned to detention or to a fine, every employee of the departments of post, telegraph and telephone, as well as every public servant or person in charge of a public service, who opens, destroys or conceals a letter or cable deposited or delivered to the said departments, facilitates the matter to others or discloses a secret contained in the letter, cable or telephone conversation.

CHAPTER THREE AS SULTI ON EMPLOYEES

Article (248)

Shall be sentenced to detention or to a fine, whoever makes use of force, violence or threat against a public servant or person in charge of a public service for the purpose of unduly having him do or abstain from doing any of the acts pertaining to his office without attaining his objective therefrom and, if he does reach his objective, the penalty shall be detention for a minimum term of one year. Should the crime be premeditated or perpetrated by more than one person carrying an arm or if the crime is accompanied with battery, the penalty shall be detention for a minimum period of six months.

Article 249

Shall be sentenced to detention for a term not exceeding two years and to a fine not in excess of twenty thousand dirham, whoever assaults a public servant or a person in charge of a public service or resists him by force or violence during, or because of, discharging the duties of his office. The penalty shall be detention for a minimum term of six months should the assault be coupled with resistance or battery. The perpetration of one of the crimes provided for in this Article (with premeditation by more than one person or by a person conspicuously carrying arm shall be considered an aggravating circumstance.

CHAPTER FOUR

UNDUE ASSUMPTION OF OFFICE AND ATTRIBUTES

Article 250⁽¹⁾

Shall be sentenced to detention for a term not exceeding five years, whoever unduly assumes one of the public functions. The same penalty shall apply to whoever interferes in a public function or service, or performs one of its acts or prerequisites, without being competent or charged to do so, aiming at achieving an illicit objective or to obtain for himself or for others any kind of advantage.

Article 251

Shall be sentenced to detention for a term not exceeding on year or to a fine not in excess of ten thousand dirham, whoever publicly and unduly wears an official attire specially reserved by law to a class of persons or wears a uniform of rank higher than his, as well as whoever puts on a medal, badge, sign or mark of an office or unduly assumes any of the officially recognized scientific or academic titles or any of the military ranks or public parliamentary attributes. This provision applies also in case the apparel or medal or others belong to an alien country.

Article 252

In the instances provided for in the two preceding articles, the court may order the publishing of the judgment, or an excerpt thereof, in the appropriate manner on the convicted parts expense.

TITLE THREE

CRIMES AFFECTING THE JUSTICE PROCESS

CHAPTER ONE

FALSE TESTIMONY, PERJURY, ABSTENTION OF TESTIFYING

Article 253

Shall be sentenced to detention for a minimum period of three months, whoever gives a false testimony before a judicial authority or a competent organization having jurisdiction to hear witnesses after oath, denies the truth, or keeps silent about all or part of the relevant facts of the case known to him, regardless of whether the witness is admitted to testify or not, and of whether his testimony was accepted or not in such proceedings. Should he perpetrate such act during the investigation of a felony or trial thereof, he shall be sentenced to term imprisonment. In case the false testimony leads to death sentence or life imprisonment, the author thereof shall be sentenced to the same penalty.

Article 254

Shall be exempted from penalty:

- The witness who gives his testimony during a criminal investigation, if he retracts his false testimony prior to the closing of the investigation and before he is denounced.
- The witness who gave his testimony in any trial, should he retract his false testimony prior to any decision, even if no final, in the substance of the case.

Article 255

Shall be exempted from penalty:

- The witness who, if he tells the truth, shall be subject to a severe prejudice in his freedom, honor or shall expose to such severe prejudice his spouse, even if divorced, one of his ascendants, descendants, brothers, sisters, or in-laws of the same degrees.
- The witness who reveals before the court his name, surname and nickname and who had not to be heard as a witness or if he has not to be told that he has the right, if he wishes, to abstain from testifying.
- In the two above instances, if such perjury exposes another person to legal prosecution or to a judgment, the author shall be sentenced to detention for a minimum term of six months.

Article 256

The sanction shall be halved for the person having instigated the false testimony should the witness undoubtedly expose him or a relative thereof to danger by saying the truth, and such as clarified in the first paragraph of the preceding article.

Article 257

The expert appointed by a judicial authority in a civil or criminal lawsuit, who knowingly asserts a matter which is contrary to the truth or gives it an untrue meaning, shall be sentenced to detention for a minimum term of one year and shall be prohibited to practice his profession in future. In case the assignment of the expert concerns a felony, he shall be sentenced to term imprisonment. The provisions of the two preceding paragraphs shall apply on the translator who deliberately gives a wrong translation in a civil or criminal case. The provisions of Article (255) shall apply to the expert and translator.

Article 258

Shall be sentenced to imprisonment for a not exceeding five years, ever physician or midwife asking or accepting, for themselves or for others, a grant or privilege of any kind or a promise thereof in return of giving a false testimony as concerns pregnancy, birth, illness, disability or death or if he gives such testimony as a result of a request, recommendation or intercession. In this case, the provision of paragraph two of Article (253 shall apply.

Article 259

Without prejudice to the provision of Article (243; shall be sentenced to detention for a term not exceeding one year and to a fine not in excess of five thousands Dirham, whoever uses torture, force or threat, or offered a grant or privilege of any kind or a promise of any such things in order to have someone else to keep silent about a matter or to give untrue statements or information before any judicial body.

Article 260

Shall be sentenced to detention for a term not exceeding two years and to a fine not in excess of ten thousand dirham, any litigant in civil case forced to give oath or, if reverted to him, has sworn contrary to the truth. The offender shall be exempted from penalty if he goes back to truth after he has taken the untrue oath and prior to rendering the judgment the case in which oath was taken.

Article 261

Shall be sentenced to detention for a term not exceeding one year and/or to a fine not in excess of five thousand Dirhams, whoever was asked to testify before one of the judicial bodies and he refused to take oath or to give his testimony unless his refusal was Justified. The offender shall be exempted from the penalty if he re- tracts his refusal prior to the issue of the judgment on the merits of the case.

CHAPTER TWO PREJUDICIAL INFLUENCE ON THE JUDICIARY

Article 262

Shall be sentenced to detention for a term not exceeding one year and/or to a fine not in excess of ten thousand dirham, whoever, by any means of publicity, violate the dignity of a magistrate or member of the public prosecution in any matter or case or in the course thereof.

Article 263

Shall be sentenced to detention or to fine, whoever published by any publicity media matters intended to influence the judges in charge of deciding a case submitted to them or the member of the public prosecution or others from among those in charge of investigation, experts or the witnesses who may be asked to give their testimony in a case or in an investigation. Shall be sentenced to the same penalty, whoever publishes by any means of publicity matters intended to prevent a person from disclosing information to the competent bodies or to influence public opinion for the benefit of the litigants in the case, or the investigation, or organist him. Should the published material be untrue, the offender shall be sentenced to detention and fine.

Article 264

Shall be sentenced to detention for a term not exceeding one year or a fine not in excess of ten thousand dirham, who- ever publishes any publicity means:

- News in respect of a current investigation in a crime or any of the documents relevant to such investigation should the investigation authority prohibit diffusion of any of these.
- News about the investigations or the process in cases of kinship, marriage, fostering, divorce, alimentary, separation, adultery, libel or disclosure of secrets.
- Names or pictures of the juvenile delinquents.
- Names or pictures of the victims in crimes of aggression against honor.
- Names or pictures of the persons convicted with stay of execution of the penalty.
- Court deliberations.
- News concerning lawsuits under examination in a closed session or those whims the court prohibited their publication.

Article 265

Shall be sentenced to the aforementioned penalty, who- ever publishes through one of the publicities means, without probity and in bad faith, that which occurred in public trial sessions.

CHAPTER THREE DELAYING LEGAL PROCESS

Article 266

Shall be sentenced to detention, whoever, with the intention of misleading justice, changes the condition of persons, places or things, conceals evidence of the crime or submits false information in their respect knowing that they are not true.

Article 267

Shall be sentenced to detention for a term not exceeding one year or to a fine not in excess of five thousand dirham, who- ever conceals, destroys or misappropriates a writing, instrument or anything else submitted to one of the investigation authorities or in any lawsuit filed with any judicial authority with intention to mislead the judiciary or the investigation authority. This sentence shall apply even if the writing or deed or the thing was left in the possession of the person who submitted it until requested.

Article 268

Shall be sentenced to detention for a term not exceeding six months or to a fine not in excess of five thousand dirham, whoever is legally asked to submit a writing or anything else useful to establish a fact submitted to the courts and abstains there from in cases other than those allowed by law.

Article 269⁽¹⁾

Shall be sentenced to detention for a maximum period of two years and/or to a fine not in excess of one hundred thousand dirhams, whoever perpetrates in bad faith an act likely to obstruct the execution proceedings, on a property seized by order of the court, whether by moving or concealing it, disposing thereof, destroying it or changing its features. The above penalty shall be inflicted even if the act is perpetrated by the property owner or its custodian.

Article 270

The penalty provided for in the preceding Article shall apply on every public servant or person in charge of a public service deliberately and unduly abstains from executing a judgment or order issued by one of the courts within eight days following the official warning to execute served upon him; whenever the execution of the judgment or order falls within his jurisdiction.

Article 271

As amended by federal law no. 34 dated 24/12/2005: Shall be sentenced to imprisonment, whoever conceals, the corps of a person who passed away as a result of an accident and to detention whoever buries the corpse before being authorized to do so by the competent authorities.

Whoever buries the body of a person having died a natural death without a permit from the pertinent authorities shall be sentenced to imprisonment for a period not exceeding three months or to a fine.

CHAPTER FOUR ABSTENTION FROM REPORTING A CRIME

Article 272

Every public servant, in charge of detecting crimes or apprehending criminals, who neglects or remits reporting a crime that came to his knowledge, shall be sentenced to detention or to a fine. Shall be sentenced to a fine, the public servant who is in charge of detecting crimes or apprehending criminals, if he neglects or remits reporting to the competent authority a crime that came to his knowledge while, or because of discharging his duties. There shall be no penalty in case the filing of the lawsuit, in the instances mentioned in the two preceding paragraphs is dependent on submitting a complaint. Exemption from the penalty, provided for in the second paragraph of this article, may be granted in case the public servant is the spouse of the criminal, one of his ascendants or descendants, of his brothers or sisters or his in-laws who are related to him with a similar degree of affinity.

Article 273

Shall be sentenced to detention for a term not exceeding one year and/or to a fine not in excess of twenty thousand Dirham, whoever, during the practice of his medical or health profession, examines a corpse or gives medical assistance to a severely injured person showing signs that his death or injury is due to a crime or if it is revealed from other circumstances that there is a reason to suspect the cause of death or injury and fails to report this to the authorities.

Article 274

Shall be sentenced to a fine not exceeding one thousand Dirham, whoever came to his knowledge that a crime has been perpetrated and abstains to report this to the competent authorities .May be exempted from this penalty, the one who abstained from reporting, should he be the spouse of the criminal, one of his ascendants, descendants, brothers or sisters or those considered as such from his in-laws a similar degree of affinity.

CHAPTER FIVE FALSE REPORTING

Article 275

Shall be sentenced to detention for a term not exceeding six months and/or to a fine not in excess of three thousand dirham, whoever reports to the judicial or administrative authorities' incidents or risks that does not exist or a crime which he knows it was not perpetrated.

Article 276

Shall be sentenced to detention and/or to a fine, whoever falsely and with bad faith makes a false report to the judicial or administrative authorities that a person committed something which deserves a criminal penalty or an administrative sanction even if it did not entail filing a criminal or disciplinary action, as well as whoever fabricated false material evidence that a person has perpetrated a crime, or caused taking legal measures against a person knowing that he is innocent. Penalty shall be detention and fine should the fake crime be a felony. In case the false accusation results in inflicting a felony penalty, the slanderer shall be sanctioned to the same adjudged penalty.

CHAPTER SIX

UNSEALING AND TAMPERING WITH PRESERVED ITEMS

Article 277

Shall be sanctioned to detention for a period not exceeding one year and/or to a fine not in excess of ten thousand dirham, whoever break off or destroys one of the seals put by order of the judicial or administrative authority on the premises, papers or anything else, or if by any means deviated from the purpose for which the seal was put. The penalty shall be detention should the culprit be the custodian. In case the culprit used in the perpetration of the crime acts of violence on persons, this shall be considered an aggravating circumstance.

Article 278⁽¹⁾

Shall be sentenced to detention for a maximum period of five years, whoever tears out, destroys or unduly appropriates papers, documents or other items deposited pursuant to a judgment, court or administrative order in places designed for their custody, or handed over to a person in charge of their preservation. Penalty shall be term imprisonment should the culprit be the custodian or the person in charge of preserving such items. In case the culprit uses, in the perpetration of the crime,

acts of violence on persons, this shall be considered an aggravating circumstance.

Article 279

Shall be sentenced to detention for a term not exceeding six months and/or to a fine not in excess of five thousand Dir- ham, whoever was entrusted with the conservation of seals put pursuant to a judgment or court or administrative order and caused, through his negligence, the perpetration of an of the crimes provided for in the two preceding articles.

CHAPTER SEVEN EVASION OF THE ACCUSED AND THE CONVICTED

Article 280

Shall be sentenced to detention for a term not exceeding two years, whoever escaped after he was arrested, detained or placed under preventive custody in accordance with the law. The penalty shall be detention should the crime be perpetrated by two or more persons by means of threat or violence on persons or objects. The penalty shall be imprisonment for a term not exceeding five years in case the crime is perpetrated through the use or threat to use a weapon.

Article 281

Whoever was entrusted with the guard, control, transport or escort of an arrested person who escape due to the negligence of the former, shall be sentenced to detention for a term not exceeding two years and to fine not in excess of twenty thou- sand dirham, should the fugitive be condemned for, or accused of, a felony; as for the other instances, the penalty shall be detention for a term not exceeding six months or to a fine not in excess of five thousand dirham.

Article 282

Whoever was entrusted with the guard, control, transport or escort of an arrested person and assists him to escape or facilitates it to him or disregard it, shall be penalized in accordance with the following provisions:

If the fugitive is condemned to capital punishment, the penalty shall be term imprisonment for a minimum period of five years. Should the fugitive be condemned for life or time imprisonment and was accused for a crime sanctioned by a death sentence, the penalty shall be imprisonment for a period not exceeding seven years and, in other instance, the penalty shall be detention.

Article 283

Every public official or person charged with a public service entrusted to arrest a person and neglect to execute such order in view of assisting such person to escape from justice, shall be sentenced to the sanctions set forth in the sanctions set forth in the preceding Article (as per the conditions state therein).

Article 284

Whoever enables or assists in the escape of an arrested person or facilitates it to him, in instances other than those provided for in the preceding articles, shall be punished in accordance with the following provisions:

- In case the fugitive was condemned to a capital sentence, the penalty shall be imprisonment for a minimum period of five years.
- If the fugitive was condemned to life or term imprisonment or was accused for a crime punished by death sentence, the penalty shall be imprisonment for a term not exceeding five years.
- In other instances, the penalty shall be detention for a period not exceeding three months.

Should the crime be perpetrated by two or more persons through the use of threats or violence on persons or on objects, or by the use or threat of use of a weapon, this shall be considered an aggravating circumstance but, in any case the penalty must not exceed the maximum, limit prescribed for the crime perpetrated by the fugitive.

Article 285

Shall be sentenced to detention for a term not exceeding five years, whoever supplied an arrested person with weapons or tools used by him to escape.

Article 286

Whoever knowingly hides or shelters, in person or through an intermediary, a fugitive after his arrest, an accused of a crime or a person in respect of whom a warrant of arrest was issued, as well as whoever assisted him, by any means, to escape from justice, shall be punished in accordance with the following provisions:

- In case the hidden person, the assisted to be sheltered or to escape from justice was condemned to a death sentence, the penalty shall be imprisonment for a term not exceeding seven years; or if sentenced to life or term imprisonment or was accused of a crime punished by a death sentence, the penalty shall be imprisonment for term not exceeding five years.

- Of other instances, the penalty shall be detention for a term not exceeding three months.
- Should the crime be perpetrated by two or more persons through the use of threats or violence on persons or on objects, or by the use, or threat to use, a weapon, this shall be considered an aggravating circumstance.

Article 287

Whoever is aware of the perpetration of a crime and helps the perpetrator to escape from justice through concealing any evidence of the crime, giving related information, knowing that they are not true, or assist him by any means, shall be sentenced in accordance with the following provisions:

- In case the fugitive from justice is accused of a felony punished by a death sentence, the penalty shall be detention.

In other instances, the penalty shall be detention or fine.

TITLE FOUR CRIMES OF PUBLIC HAZARD

CHAPTER ONE ASSAULT IN MEANS OF COMMUNICATION AND PUBLIC UTILITIES

Article 288

Shall be sentenced to life imprisonment whoever attacks an airplane or a sea vessel with the intention of capturing it or misappropriating all or part of its cargo or of causing prejudice to one or more of its passengers or of deviating its routing without reason. The same penalty shall apply in case the act is perpetrated by a person on board the airplane or vessel. Should the wrongdoer return the airplane or vessel immediately after its capture, to its lawful pilot or skipper or to whoever is legally entitled to possess it, and his act did not cause any prejudice to it, to its cargo or prejudice any of the passengers on board, the penalty shall be imprisonment for a term not exceeding five years.

Article 289

Shall be sentenced to term imprisonment, whoever deliberately exposes to danger, by any means what so ever, the safety of the airplane or vessel or any other means of public transport. The penalty shall be life imprisonment, should the act result in any disaster to any of the above-mentioned.

Article 290

Shall be sentenced to detention and to a fine, whoever commits an act of sabotage to a public road, airport, vault or a water course suitable navigation. The penalty shall be life or term imprisonment in case the wrongdoer utilizes detonators or explosives for the perpetration of the crime.

Article 291

Shall be sentenced to imprisonment for a term not exceeding seven years, whoever deliberately disrupts the functioning of a land, sea or air public communication means.

Article 292

Shall be sentenced to detention and/or to a fine, whoever caused by his own fault the occurrence of an accident to one of the seas, air or land public, communications means, which may disrupt its functioning or expose persons to danger. The penalty shall be imprisonment, should the act result in a disaster.

Article 293

Shall be sentenced to detention, whoever deliberately expose to danger the safety of one of the private communications means by whatever manner.

Article 294

Shall be sentenced to detention, whoever deliberately takes off, breaks, destroys or makes it unfit for use, by any means whatever, any device or sign necessary to prevent accidents. Penalty shall be term imprisonment, should the crime result in a disaster.

Article 295

Should the offender, for the purpose of perpetrating one of the crimes provided for in this chapter, take advantage of a state of turmoil or conspiracy, or perpetrated the crime by force or threats, this shall be considered an aggravated circumstance.

Article 296

Shall be sentenced to detention and/or to a fine not in excess of thirty thousand dirham, whoever transports or attempts to transport, pyrotechnics. Explosives or inflammable material in one of the lands, sea or air communication means, letters or postal parcels, thus violating laws, regulations or rules.

Article 297⁽¹⁾

Shall be sentenced to imprisonment for a maximum period of five years, whoever deliberately disrupts a wire or wireless communication means or any other service reserved for public utility, cuts or destroys some of its wires, apparatuses or deliberately prevents the repair thereof.

Penalty shall be imprisonment for a minimum period of five years if the crime is perpetrated in time of war, turmoil, commotion or by the use of pyrotechnics or explosive material.

Article 298

Shall be sentenced to detention for a term not exceeding one year or to a maximum fine of ten thousand Dirham, whoever deliberately causes a nuisance to others through using wire or wireless telecommunication apparatuses.

Article 299

Shall be sentenced to life or term imprisonment, whoever deliberately exposes the life or security of people to danger by putting substances or germs, or other things that may cause death or serious prejudice to public health, in a well or water reservoir or anything of the sort destined for the use of the public.

Article 300

Shall be sentenced to detention and to a fine, whoever contaminates water in a well, a reservoir or any general water cistern, or anything else of the sort destined for public use, so as to make the water unfit for consumption.

Article 301

Shall be sentenced to imprisonment for a term not exceeding ten years, whoever deliberately breaks, destroys or do similar acts to machines, pipes or installations concerning the water, electricity, gas, petroleum or other public utilities, should this lead to disruption of such utility.

Article 302⁽¹⁾

Shall be sentenced to imprisonment for a maximum period of five years, whoever deliberately destroys, sabotages impair or damages installations and private fixed or mobile health units, materials or instruments existing therein or intentionally impairs any of these or makes them unfit for use.

Article 303

Shall be sentenced to detention, whoever deliberately disrupts in any manner an apparatus, machine or any other things that are destined for medical aid, firefighting, rescue of frowned persons or prevention of any other incidents.

CHAPTER TWO FIRE

Article 304

Shall be sentenced to imprisonment for a term no exceeding seven years, whoever deliberately sets fire to buildings, factories, workshops, warehouses or any occupied or vacant buildings located in a city or village, as well as to railway wagons, vehicles carrying one or more persons or attached to a train carrying one or more persons, vessels navigating or anchoring in any harbor, aircrafts flying or landed in an airport, or to completed buildings reserved for dwelling, and situated outside inhabited areas and whether these are or not owned by the wrongdoer.

Article 305

Shall be sentenced to term imprisonment, whoever deliberate sets fire to:

- Wood areas or forests for firewood supply, plantations or crops before being harvested; if owned by other than the wrongdoer.
- Wood areas or forests for firewood supply, plantations or crops before being harvested; if owned by the wrongdoer and if the fire spreads to the property of another person causing damage thereto.

Article 306

Shall be sentenced to term imprisonment, whoever deliberately sets fire to buildings that are neither occupied or not used for dwelling, lying outside populated areas, to corps, stocks of hay, harvest left over in its place or firewood stocked, piled or left over in its place, regardless of whether these things are owned by him or not and the fire spreads to the property of others causing damage to it.

Article 307

Any fire other than that mentioned set for the purpose of inflicting material damage to others or draw an illicit benefit to the wrongdoer or others, shall be sanctioned by detention and fine.

Article 308

Should the fire result on the death of a human being. The author thereof shall be sentenced to death, in the instances provided for in articles 304 and 305 and to life imprisonment, in the instances stated in articles 306 and 307.

Article 309

The aforementioned provisions, subject to the same conditions, shall apply on whoever destroys, even partially, one of the things stated therein by means of explosives.

Article 310

Whoever causes, by his fault, the burning of something owned by someone else, shall be sentenced to detention for a term not exceeding one year and/or to a fine not in excess of ten thousand Dirham.

Article 311

Shall he have sentenced to detention not exceeding one year and to a fine not in excess of ten thousand dirham, whoever re- moves a fire-extinguishing device or changes its place or makes it unfit for use. Shall be sentenced to the same penalty, whoever is bound by law or regulations to acquire a fire-fighting device and omits to install it property or maintains it continuously in an operational condition.

TITLE FIVE CRIMES VIOLATING RELIGIOUS CREEDS AND RITES

Article 312

Shall be sentenced to detention and/or a fin whoever perpetrates one of the following crimes:

- Offense to any of the Islamic sacred beliefs or rites:
- Insult to any of the divine recognized religions.
- Approving, encouraging or promoting sin or do any act that tempts towards committing it.
- Knowingly eating pork meat by Moslems.

Should any of these crimes be perpetrated publicly, the penalty shall be detention for a minimum period of one year in addition to a fine.

Article 313

Shall be sentenced to detention for a term not exceeding one month or to a fine not excess of two thousand dirhams, whoever:

- States openly in a public place that he consumes food or drinks or any other thing that breaks fast during Ramadan period.
- Compels, instigates or assists in making such openly statement the public place used for this purpose may be ordered to close down for a period not exceeding one month.

Article 313/1⁽¹⁾

- The prohibition of drinking alcohol does only apply on Muslims.
- Without prejudice to the cases where it is admitted to Non- Muslims, whoever drinks alcohol beverages shall be sentenced to detention for a minimum period of one month but not exceeding six months and/or to a fine not exceeding two thousand Dirhams.

Article 314

The Minister of Interior, in coordination with the concerned municipalities, shall issue the orders of closing whatever deemed appropriate of the public places during the days of Ramadan in order to prevent making the public statement referred to in the preceding article.

Article 315

Shall be sentenced to detention and/or a fine, whoever of- fends the sacred beliefs or rites prescribed by the other religions whenever these beliefs and rates are protected according to the rules of the Islamic Sharia.

Article 316

Shall be sentenced to detention for a term not exceeding one year or to a fine not in excess of ten thousand Dirham, whoever violates or profanes the sanctity of a place reserved for the burial of the dead or the preservation of their corpses, or whoever knowingly violates the sanctity of a human corpse or the remains of a dead body.

Article 317

Whoever establishes, organizes or administers an association, organization or society, or a branch thereof, aiming at resisting or vilifying the foundations or teachings on which the Muslim religion based or whatever he essentially knows of, preach another religion or advocates for a doctrine or ideology that embraces any of the abovementioned matters, or to commend or propagate any of these, shall be sentenced to imprisonment for a minimum term of the years but not exceeding ten.

Article 318

Whoever joins an association or other among those mentioned in the preceding article, participates in or assists it, under any form whatsoever, with knowledge of its objectives, shall be sentenced to imprisonment for a term not exceeding seven years.

Article 319

whoever opposes or vilifies the foundations or teachings on which is based the Muslim religion, or whatever he essentially knows of, offends this religion, preaches another religion, advocates for a doctrine or ideology that embraces any of the matters mentioned above, or commend or propagate any of these, shall be sentenced to imprisonment for a term not exceeding five years.

Article 320

It is prohibited to hold any conference or meeting, in any place in the State, by a group, organization or society in case any of these aims, directly or indirectly from such meeting to oppose or vilify the foundations or teachings on which is based the Muslim religion, or whatever he essentially knows of, or to preach another religion .The public authority is essential to disband such a conference or meeting, with the use of force if required .Whoever takes part in the preparation of such a conference or meeting or participates in it, shall be sentenced to imprisonment for a minimum term of five years but not to exceed ten.

Article 321

Should any of the crimes provided for in articles 318 and 320 of the present Law be perpetrated by the use of, or threatening to use, force or if the use thereof is anticipated in its perpetration, the offender shall be sentenced to imprisonment for a minimum term of seven years.

Article 322

whoever is in possession of written instruments, printings or recordings that include commend or propagation of any of the things stipulated in Article (320) and where these writings, printings or

recordings are meant for distribution or perusal by others, shall be sentenced to detention for a minimum period of one year and/or a fine not in excess of five thousand dirham. Shall be sentenced to the same penalty provided for in the preceding paragraph, whoever is in possession of any means of printing or recording or publicity that have been used to print, record or diffuse slogans, hymns or propaganda for a doctrine, association, organization or society that aims at one of the objectives provided for in Article (320),

Article 323

Shall be sentenced to the penalty provided for in the preceding article, whoever obtains or receives funds, directly or indirectly, from an individual or organization inside or outside the State whenever this is for the purpose of perpetrating any of the acts stipulated in Article (320).

Article 324

The penalty for attempting to perpetrate the crimes provided for in this Chapter all range within the limits of half the maximum and minimum penalty prescribed for each crime.

Article 325

Without prejudice to the penalties provided for in the preceding articles, the court shall order, in the instances stated in Article 318, the dissolution of the aforesaid associations, organizations, or societies or branches thereof and the closing of their offices. The court may also order to close the places where the crimes, provided for in articles 320 and 323, have been perpetrated. Under all circumstances referred to in the two preceding paragraphs, the court shall as well order the confiscation of moneys, personal effects and other things which have been used in the perpetration of the crime or have been prepared for the use thereof or which exist in the places reserved for the meeting of such associations, societies or their branches. The court shall also order the deportation of the alien accused of the country after serving the penalty to which he has been condemned.

Article 326

Shall be exempted from the penalty any of the perpetrators of one the crimes, provided for in articles 317 to 324, who takes the initiative to report the crime to the judicial or administrative authorities prior to its discovery. In case the reporting is done after discovering the crime, the court may exempt him from the penalty if such reporting leads to the arrest of the other offenders.

TITLE SIX CRIMES AGAINST THE FAMILY

Article 327

Shall be sanctioned to imprisonment, whoever abducts a newborn child from legitimate guardian conceals him, substitutes him with another or falsely attributes him to other than his parents. Should it be established that he was born dead, the penalty shall be detention for a term not exceeding two months and/ or to a fine not in excess than one thousand Dirham.

Article 328

Shall be sanctioned to detention and to a fine, whoever was in charge of a child and abstains to deliver him to the person entitled to claim the child by virtue of a judgment rendered by a judicial body.

Article 329

Shall be sanctioned to the penalty provided for in the preceding article, either of the two parents or grandparents who abducts his minor child or his grandchild, by himself or through others even without deceit or coercion, from his guardian or the person entitled to take care of him by virtue of a judgment rendered by a judicial body.

Article 330

Shall be sentenced to detention for a term not exceeding one year and/or to a ne not in excess of ten thousands Dirham, Whoever was condemned, by virtue of an effective judgment, to pay an alimony to his wife, to one of his relatives or to any other person to whom he is bound to sustain, or to pay tutelage, suckling or housing fees, and abstains from payment despite his ability to do so .A court action may not be filed except upon complaint from the person concerned.

In case the sentenced party pays the accumulated arrears or if he produces a surety accepted by the concerned person, the penalty shall not be implemented.

**TITLE SEVEN
CRIMES PERPETRATED AGAINST PERSONS**

**CHAPTER ONE
TRESPASS UPON THE LIFE OF A HUMAN BEING AND THE SAFETY OF HIS BODY**

Article 331

Without prejudice to the right to the legally due blood money, the crimes stated in this Chapter shall be sanctioned to the penalties provided for therein in cases the coercive punishment is not allowed.

Article 332⁽¹⁾

- Whoever deliberately takes a human life shall be sanctioned to term or life imprisonment.
- The penalty shall be capital punishment in case the murder is perpetrated with premeditation or advance determination, in conjunction with or linked to another crime, committed against one of the perpetrator's ascendants or on a public service or a person in charge of a public service during or because of the discharge of his duties or his service or if a poisonous or explosive substance is used in the crime.
- The penalty shall be detention for a minimum period of one year should the persons entitled to blood money desists from their right to punishment at any stage of trial or prior to the completion of execution.

Article 333

Premeditation means the intended determination prior to the perpetration of the crime on any person and minutely arranging for the necessary means to perpetrate the act. Laying in means lurking for a person, in one or several places for a long or short period, in order to murder a person or assault him by any act of violence.

Article 334

Shall be sanctioned to term imprisonment, whoever surprises his wife, daughter or sister committing adultery and instantly kills her or the adulterer or both of them; he shall be sanctioned to detention in case of assault on her or him leading to death or disability. Shall be sanctioned to term imprisonment, the wife who surprises her husband committing adultery in the conjugal domicile and instantly kills him or his female companion in adultery or both of diem; she shall be sanctioned to detention in case of assault on him or his companion leading to heath or disability. The right of lawful self-defense may not be used against the beneficiary of such excuse.

Article 335⁽¹⁾

Shall be sentenced to detention for a minimum period of six months and/or to a fine not in excess of five thousand dirhams, whoever attempts to commit suicide. Shall be sentenced to detention, whoever abets another or assists him, in any manner whatsoever, to commit suicide, if it occurs thereupon. Should the victim of suicide be below eighteen years of age or partially incapacitated, in his will or discernment, this shall be considered an aggravating circumstance.

The instigator shall be sentenced to the penalty prescribed for deliberate murder or attempt thereto, as the case may be, in case the person committing suicide or attempting thereto has totally lost his free will of choice or discernment

Article 336

Shall be sentenced to imprisonment for a period not exceeding ten years, whoever assaults the body safety of others, in any means without intention to kill him but the assault resulted in the death of the victim. Should any of the circumstances mentioned in paragraph two of Article (332 be available, this shall be considered an aggravating circumstance. Without prejudice to the provisions of Article (332 be available, this shall be considered an aggravating circumstance, perpetration of the act by the offender under the influence of intoxication or Stupefaction.

Article 337

Shall be sentenced to imprisonment for period not exceeding seven years, whoever deliberately causes to another a permanent disability. The occurrence of any of the circumstances, stated in paragraph two of Article (332, shall be considered an aggravating circumstance. There is a permanent disability if the injury results in severance or dismemberment of an organ or its partial amputation or the loss or diminution of use thereof, or to permanent total or partial failure of the functioning of any senses. Any serious deformity which is not likely to disappear shall be considered as a disability.

Article 338

Without prejudice to the provisions of articles 60 and 61, shall be sentenced to imprisonment for a term not exceeding five years, whoever assaults by any means the body safety of others and the assault results in unintended permanent disability. The penalty shall be imprisonment for a term not exceeding ten years should any of the circumstances stated in paragraph two of Article (332 be present, or if the offender be under influence of intoxication or stupefaction.

Article 339

Shall be sentenced to detention and to fine, whoever assaults by any means the body safety of others and the assault resulted in his illness or disability to attend to his personal business for a period exceeding twenty days. The penalty shall be detention for a term not exceeding one year and to a fine not in excess of ten thousand Dirham, if the assault did not reach the degree of seriousness mentioned in the above paragraph. In case the assault is perpetrated on a pregnant woman resulting in abortion, this shall be considered an aggravating circumstance.

Article 340⁽¹⁾

Shall be sentenced to detention for a maximum period of one year and/or to a fine not in excess of ten thousand dirhams, any pregnant woman who deliberately aborts herself by any means whatsoever. The penalty shall be detention for a minimum period of two years or to a minimum fine of ten thousand dirhams the person who deliberately aborts a pregnant woman, by any means whatsoever, with her consent. Should the person causing abortion be a physician, surgeon, pharmacist, midwife or a technician, the penalty shall be imprisonment for a maximum period of five years, without prejudice to a more severe penalty provided for in any other law. Shall be sanctioned to imprisonment for a maximum period of seven years, whoever willfully aborts a pregnant woman without her consent. The attempt to perpetrate any of the acts provided for herein shall be sanctioned to half the penalties prescribed there- in.

Article 341

Should the assault provided for in Articles 336, 337, 338 and 339 and in the second paragraph of the preceding Article be perpetrated, by using a weapon, club or any other tool, by one or more members of a gang composed of at least five persons all agreeing to assault and inflict injury, the penalty shall be detention and fine for each of them, without prejudice to the more severe penalty deserved by whoever participated in the assault or any other penalty provided for in the law.

In case the crimes provided preceding articles are perpetrated during wartime on wounded persons, even if among enemies, this shall be considered aggravating circumstance.

Article 342

Shall be sentenced to detention and/or to fine, whoever caused by his own mistake the death of a person. The penalty shall be detention for a minimum term of one year and a fine in case the crime is committed as a result of failure by the offender to observe the ethics as dictated by his employment, profession or craft, or if he was under the influence of intoxication or stupefaction when the accident occurred or if he abstains then from assisting the victim or call for help though he was in a position to do so. The penalty shall be detention for a minimum term of two years but not

exceeding five years and a fine if the act caused the death of more than three persons. Should any of the circumstances mentioned in the preceding paragraph be present, the penalty shall be detention for a minimum term of three years but not exceeding seven and a fine.

Article 343

Shall be detention for a term not exceeding one year and/ or to a fine not in excess of ten thousand dirham, whoever transgress through his fault the body safety of orders. the penalty shall be detention for a term not exceeding two years and/ or a fine, should the crime result in a permanent disability or if the crime is committed, as a result of failure from the offenders part to observe the ethics of his employment, profession or craft or if the offender is under the influence of intoxication or stupefaction when the incident occurred, or if he abstains from assisting the victim or call for help through able to do so. The penalty shall be detention and a fine if the crime transgresses the safety of more than three Persons. Should any of the circumstances mentioned in the preceding paragraph be present, the penalty shall be detention for a minimum term of six months but not exceeding five years and a fine.

CHAPTER TWO VIOLATION OF FREEDOM

Article 344

Shall be sentenced to imprisonment, whoever illegally kidnaps, arrests, detains or deprives from freedom, a person by any means whatsoever and whether by himself or through the intermediary of others. The penalty shall be life imprisonment in the following instances:

- If the act takes place by impersonating a public capacity, pretending the performance or assignment of a public service or to contact under a false representation.
- In case the act is performed by use of subterfuge or accompanied by use of force, threat of killing, inflicting severe body harm or by acts of physical or psychological torture.
- If the act is perpetrated by two or more armed persons.
- If the period of kidnapping, arresting, detaining or depriving from freedom exceeds one month.
- In case the victim is of female sex, a juvenile, an insane or imbecile person.
- In case the purpose of the act is to draw profit, revenge, rape of the victim, disgrace him, injure him or have him perpetrate a crime.

- If the act is perpetrated against a public servant during, or because of, the discharge of his duties.

Should the act lead to the death of the victim, the sanction shall be the death penalty or life imprisonment. Shall be sanctioned to the same penalty prescribed for the principal perpetrator, any of the intermediaries in the perpetration of any of the crimes provided for in this Article (as well as whoever knowingly hides a kidnapped person.

Article 345

Shall be exempted from the penalty for the crimes prescribed in the preceding article, the person who willfully indicates to the judicial or administrative authorities, prior to its detection of the place of the kidnapped person, the whereabouts of this latter and reveals the identity of the other offenders thus resulting in the rescue of the kidnapped.

Article 346

Shall be sentenced to term imprisonment, whoever brings in or out of the country a human being for the purpose of possessing, or disposing of, him as well as whoever purchases, sells, offers for sale or otherwise disposes of a human being as a slave.

Article 347

Shall be sentenced to detention for a term not exceeding one year and/or to a fine in excess of ten thousand dirham, whoever forces a person to work with or without pay to serve a personal interest in cases other than those admitted by law.

CHAPTER THREE EXPOSURE TO DANGER

Article 348

Shall be sentenced to detention and/or to a fine, whoever deliberately perpetrates an act that exposes the life, health, security or freedom of human beings to danger. Without prejudice to a prejudice any more severe penalty prescribed by law, the penalty shall be detention in case the act results in a prejudice of any kind.

Article 349

Shall be sentenced to detention for a term not exceeding two years, whoever personally or through an intermediary expose to danger a juvenile who did not complete fifteen years of age or a person unable to defend himself because of his health, mental or psychic condition. The penalty shall be

detention if the crime is perpetrated through abandoning the juvenile or the disabled person in a deserted place, or by one of the offender's ascendants, by a person in charge of his custody or of taking care of him. Should a permanent disability result there from to the victim or unintentionally cause his death, the offender shall be sentenced to the penalty prescribed for the assault leading to permanent disability or to death, as the case may be. The same penalty shall apply if the exposure to danger occurs through deliberately depriving the juvenile or the disabled from nurture or care required by his condition whenever the offender is legally required to provide same.

Article 350

Shall be sentenced to detention or to a fine not exceeding ten thousand dirhams, whoever, personally or through others, exposes to danger a child, who did not complete seven years of age in a crowded place.

Article 351

Shall be sentenced to imprisonment for term not exceeding seven years, whoever threatens another person, in writing or verbally, to perpetrate a felony against his person or property or against the person or property of others, or by attributing or divulging dishonoring matters, where all these are accompanied by a demand, instructions to do or abstain from doing something or if so intended.

Article 352

Shall be sentenced to detection, whoever threatens another to perpetrate a felony on his person or property or on the person or property of others, by attributing or divulging dishonoring or disrespectful matters a instance other than those stated in the preceding article.

Article 353

Whoever threatens another by words, acts or signs, in writing or verbally or through another person and in instances other than those stated in the two preceding articles, shall be sentenced to detention for a term not exceeding one year or to a fine not in excess of ten thousand dirham.

CHAPTER FIVE CRIMES PERPETRAT AGAINST HONOR

SECTION ONE RAPE AND DEBASEMENT

Article 354

Without prejudice to the provisions of the law on juvenile delinquents and displaced ⁽¹⁾, shall be

sentenced to death penalty, whoever used coercion in having sexual intercourse with a female or sodomy with a male. Coercion shall be considered existent if the victim is below fourteen years of age when the crime is perpetrated.

Article 355

Attempt to perpetrate the crimes stipulated in the preceding Article shall be sanctioned to life imprisonment.

Article 356

Without prejudice to two preceding articles, the crime of voluntary debasement shall be penalized by detention for a minimum term of one year, but if the said crime is perpetrated on a male or female below fourteen years of age or if committed by coercion, the penalty shall be term imprisonment.

Article 357

Should death of the victim result from one of the crimes provided for in the preceding articles, the penalty shall be the death sentence.

**SECTION TWO
FLAGRANTT INDECENT ACTS**

Article 358

Shall be sentenced to detention for a minimum term or six months, whoever has flagrantly committed an indecent act. Shall be sentenced to detention for a minimum term of one year, whoever has perpetrated an indecent act with a girl or boy who did not complete fifteen years of age, even if not committed openly.

Article 359⁽¹⁾

Shall be sentenced to detention for a maximum period of one year and/or to a fine not in excess of ten thousand dirhams, whoever molests a female in an indecent way by words or acts in a public road or in a frequented place. Shall be sentenced as well to the same penalty, any male disguised in a female apparel and enters in this disguise a place reserved for women or where entry is forbidden, at that time, for other than women. Should the male perpetrate a crime in this condition, this shall be considered an aggravating circumstance.

**SECTION THREE
ENTICEMENT TO LEWDNESS AND PROSTITUTION**

Article 360

Shall be sentenced to detention for a minimum term of six months, whoever is found on a public road or frequented place enticing the passersby, by words or signs, to debauchery.

Article 361

Shall be sentenced to detention for a term not exceeding six months and/or to a fine not in excess of five thousand dirham, whoever publicly makes an appeal or utters a song, Yelling or speech that is immoral or publicly prompts others by any means to debauchery.

- The law on Juvenile delinquents and displaced, no. 9/1976 dated 6/11/1976 has been published after this Federal Law.

Article 362

Shall be sentenced to the penalty provided for in the preceding article, whoever manufactures, imports, exports, possesses, acquires or transports for the purpose of exploiting, distributing or displaying to others writings, drawings, pictures, films, symbols or other matters if they are violating public morals. Shall be sentenced to the same penalty, whoever advertises any of the mentioned objects.

Article 363

Shall be sentenced to detention for a minimum term of one year and to a fine, whoever entices, induces or tempts, by any means, a male or female to commit debauchery or prostitution or assisted him to this end. In case the age of the victim is below eighteen years, then the penalty shall be detentions for a minimum term of two years and the payment of a fine.

Article 364

Shall be sentenced to imprisonment for a term not exceeding ten years, whoever entices a male or female to debauchery or prostitution by means of coercion, threat or subterfuge. The penalty shall be imprisonment for a minimum term of ten years, should the age of the victim be below eighteen years of age. The foregoing penalties, as the case may be, shall apply to whoever detains a person against his will by means of coercion, threat or subterfuge in a place with the intention of enticing him to perpetrate one or more acts of debauchery or prostitution.

Article 365

Shall be sentenced to term imprisonment, whoever establishes or manages a place of debauchery and prostitution or which facilitates its practicing, or assists by any means in the establishment of management of such a place. Under all circumstances, a decision to close the place shall be rendered and it shall not be allowed to reopen unless it is run for a lawful purpose and after securing the approval of the public prosecution.

Article 366

Shall be sentenced to detention for a term not exceeding five years, whoever exploits by any means the lewdness or debauchery of a person.

Article 367

Should the offender, in the crimes provided for in articles 363, 364 and 366, be an ascendant of the victim, an unmarriageable person to him, his custodian or whoever has an authority on him or be a servant to him or to one of the above mentioned, this shall be considered an aggravating circumstance.

Article 368

Shall be sanctioned to term imprisonment, whoever habitually practices debauchery or prostitution.

Article 369

In one of the crimes provided for in this section, where the offender is condemned by judgment to a penalty restricting his freedom for a period of one year or more, the condemned shall be put under the control of the police for a period equal to that adjudicated.

Article 370

The offender is presumed to know the age of the victim in the Article (include in this section).

CHAPTER SIX CRIMES PERPETRATED AGAINST REPUTATION, LIBEL, INSULT AND DISCLOSURE OF SECRET

Article 371

Without prejudice to the constitutive elements and conditions of the crime of libel that is punishable

by castigation, shall be sanctioned, according to the characterization of the crime, whoever abstains from inflicting castigation on himself, according to the following articles.

Article 372

Shall be sentenced to detention for a term not exceeding two years, or to a fine not in excess of twenty thousand dirham, whoever attributes to another, through a means of publicity, a fact that makes him object of punishment or of contempt. The penalty shall be detention and/or a fine in case the libel is perpetrated against public servant, or a person in charge of a public service, during or because of the discharge of his duties or performing the public service, or if it affects honor or the reputation of the families, or if it is expected to fulfill an illicit purpose. In case the libel is done by means of publication in one of the newspapers or printed material, this shall be considered an aggravating circumstance.

Article 373

Shall be sentenced to detention for a term not exceeding one year or to a fine not in excess of ten thousand Dirham. Whoever casts another, by any publicity means, with any statement that affects his honor or dignity without attributing to him a specific fact. The penalty shall be detention for a term not exceeding two years and a fine not in excess of twenty thousand Dirham, in both instances, or one of those two penalties if the insult is addressed to a Public servant or a person in charge of a public service, during or because of the discharge of his duties or performing the public service, or if it affects honor or reputation of the families, or if expected to fulfill an illicit purpose. In case the insult is done by means of publication in one by means of newspapers or printed material, this shall be considered an aggravating circumstance.

Article 374⁽¹⁾

Shall be sentenced to detention for a maximum period of six months or to a fine not exceeding five thousand dirhams in case the libel or insult takes place through the telephone or facing the victim in the presence of others.

The penalty shall be a fine not exceeding five thousand dirhams if the libel or insult takes place facing the victim without the presence of a third party or in a letter dispatched to him by a means whatsoever. Shall be considered an aggravating circumstance if the libel or insult, in the stances stated in the paragraphs hereinabove, is addressed to a public servant or a person in charge of a public service, during or because of discharging his duties or performing his service, or if affecting his honor or the reputation of the families, or if expected to reach an illicit objective...

Article 375

There shall be no crime if the offender establishes that the fact attributed is true, whoever its

attribution is addressed to a public servant or a person in charge of a public service and the fact is connected to his employment or service. In this case also, the insult may be established if it emanates from the offender himself and is associated with the libel. Evidence may not be established if the fact occurred more than five years ago or if the crime has been foreclosed for any foreclosure reason or if the judgment rendered has been forfeited.

Article 376

There shall be no crime for the libel or insult include in the verbal or written defense of the parties to the litigation before the courts or investigation authorities, provided it is within the limits allowed to the right of defense.

Article 377

There shall be no crime in reporting, in good faith, to the judicial or administrative authorities a matter calling for the responsibility of its author.

Article 378⁽¹⁾

Shall be sentenced to detention and to a fine, whoever violates the private or familial life of individuals, by perpetrating one of the following acts, unless authorized by law, or without the victim's consent:

- If he lends his ears, records or transmits, through an apparatus of any kind, conversations that took place in a private place or through the telephone or any other apparatus.
- Captures or transmits, through any kind of apparatus, the picture of a person in a private place.

Should the acts, referred to in the two-preceding paragraph, be perpetrated during a meeting in front of the attending persons, their consent shall be presumed. Shall be sentenced to the same penalty, whoever publishes through any means of publicity, news or pictures or comments related to the secrecy of private or familial life of the individuals, even if correct.

Shall be sentenced to detention for a maximum period of seven years and to a fine, the public servant who perpetrates one of the acts mentioned in the present article relying on the strength of the authority of his position. The apparatuses and other objects that may have been used in perpetrating the crime shall, in all cases, be confiscated and order shall be given to erase all relative recordings and destroy the same.

Article 379

Shall be sentenced to detention for a minimum period of one year and/or to a minimum fine of twenty thousand dirham, whoever by virtue of his profession, craft, position or art is entrusted with a secret and divulge it in cases other than those allowed by law or if used for his own personal interest or for the interest of another person, unless authorized by the confiding person to disclose or use it. The penalty shall be imprisonment for a term not exceeding five years in case the perpetrator is a public servant or a person in charge of a public service who was confided the secret because or on the occasion of discharging his duties or performing his service.

Article 380

Shall be sentenced to minimum fine of three thousand dirhams, whoever opens a letter or cable without the consent of the recipient or listened to a telephone conversation. The perpetrator shall be detention for a minimum term of three months or to a minimum fine of five thousand dirhams, if he discloses the letter, cable or conversation to other than the addressee thereto and without his consent, whenever such act results in a prejudice to others.

TITLE EIGHT CRIMES AGAINST PROPERTY

CHAPTER ONE THEFT

Article 381

Should the application on the penalty imposed on theft by the Shari'a be impossible, the offender shall, according to the classification of the crime, be subject to the provisions of this law.

Article 382

Theft occurs by illegal appropriation movable property owned by a person other than the offender and it shall be subject to the following provisions.

Article 383

Shall be sentenced to life imprisonment, whoever perpetrates a crime of theft grouping the following circumstance:

- It is perpetrated at night.
- It is perpetrated by two or more persons.
- One of the perpetrators is armed.

- It is perpetrated in an inhabited or habitable space or one of its annexes by climbing the fence, breaking in, use of fabricated keys, by impersonation of a public or false attribute, by pretending carrying out or being in charge of a public service or by any Other illicit means.
- To be perpetrated by duress or threat or by use of arms.

Article 384

Shall be sentenced to the life or term imprisonment, who- ever perpetrates a crime of robbery on public roads or one of the lands, sea or air transport means in any of the following circumstances:

- If it is perpetrated by two or more persons, one of whom is armed.
- If it is perpetrated by two or persons by duress.
- If it is perpetrated by one armed person during night time.
- If it is perpetrated by an armed person by means of duress or threat through the use of arms.

Article 385

Shall be sentenced to term imprisonment, whoever perpetrates the crime of theft by duress or threat through the use of arm whether the purpose thereof s to obtain, keep it in his possession or run away with it.

Article 386

Shall be sentenced to term imprisonment, whoever perpetrates the crime of theft during night time by two or more per- sons, one of whom is armed. Shall be sentenced to the same sanctions, whoever perpetrates armed theft at night and in a occupied location.

Article 387⁽¹⁾

Shall be sentenced to term imprisonment, whoever perpetrates the crime of theft arms, or its ammunitions, belonging to the armed forces or to the police. The penalty shall be life imprisonment, if one of the circumstances provided for in Article (384) of this law, is present. The penalty shall be detention for a minimum period of one year but not in excess of five if the theft is perpetrated on equipment or material used or to be used in wire or wireless communications or other services installed by the State or licensed by it for installation for public utility purposes.

Article 388

Shall be sentenced to detention for a minimum term of two years but not in excess of seven, should the theft be perpetrated in any of the two following instances:

- At night.
- By a person carrying arms.

The sentence shall be imprisonment for a minimum term of five years but not in excess of seven if the theft is perpetrated by a person employed in the premises or to the prejudice of his employer.

Article 389

Shall be sentenced to detention for a minimum term of one year, if the theft is perpetrated in, one of the following in- stance.

- In one of the worship places.
- In one of the inhabited or habitable places or its annexes.
- In one of the transports means or in a station, harbor or airport.
- Through climbing over the fence, breaking from outside, use of duplicated or genuine keys Without their owners' consent.
- By a person impersonating a public or fake attribute or pre- tending that he is performing or in charge of a public ser- vice.
- By two or more persons.
- On wounded persons during wartime.
- On property owned by one of the bodies mentioned in Article (5).
- On cattle or on carrying or riding animals.

Article 390

Shall be sentenced to detention for a minimum term of six months or to a fine, whoever perpetrates the crime of theft in which one of the circumstances stated in the preceding articles in the present chapter is missing.

Article 391

Shall be sentenced to detention or to a fine, whoever, by any means whatsoever, misappropriates a telephone service or any other wire and wireless telecommunication services, any other government services or unduly exploits, uses, diverges or emptying any of these services or any electric current, or other, used to link or transmit such services.

Article 392

The attempt to commit the misdemeanor or theft shall be penalized by half the penalty prescribed for the consummated crime.

Article 393

In sentencing to detention for one year or more, for a theft or an attempt thereto, the court shall, in case of recidivism, order to put the infringer under control for a maximum term of two years provided it does not exceed the adjudicated penalty.

Article 394

Shall he sentenced to detention for a term not exceeding one year and/or to a fine not in excess of ten thousand Dirham, whoever utilizes a car or scooter or the like without permission or approval of its owner or its rightful utilize.

Article 395

Shall be sentenced to detention for a term not exceeding six months and/or to fine not in excess of five thousands Dirham, whoever consumes food or beverage in a place prepared for this purpose even if he resides therein, as well as whoever occupies one or more room in a hotel or similar or hires a vehicle offered for lease, and refuses without justification to pay the amount due or runs away without paying it.

Article 396

In the perpetration of any of the crimes provided for in the preceding articles of this chapter, if the perpetrator takes advantage of the opportunity of turmoil a commotion, fire or any other disaster, it shall be considered an aggravating circumstance.

Article 397

Shall be sanctioned to term imprisonment, whoever obtains by force or threat a deed, a signature on it, amendment or cancellation thereof or destruction.

Article 398

Shall be sanctioned to detention and to a fine, whoever obtains from another by way of threat to hand over money or things other than those mentioned in the preceding article. Should the threat to divulge or publish matters breaching the honor, such shall be deemed an aggravating condition. And the attempt to carry out such actions shall be sentenced with half the sanction decided for the complete crime.

CHAPTER TWO DECEIT

Article 399

Shall be sentenced to detention or to a fine, whoever succeeds in appropriating, for him or for others, movable property, a deed or a signature thereon, cancellation, destruction or amendment thereof through deceitful means or use of false name or capacity, whenever this leads to deceive the victim and have him give away shall be sentenced to the same penalty, whoever disposes of an immovable or movable property being aware that it is not his property, that he is not entitled to dispose of it or disposes of it knowing that he previously disposed of, or contracted, it whenever such act of disposition causes prejudice to others. Should the object of the crime be the property or a deed belonging to the State or one of the bodies mentioned in Article (5, this shall constitute an aggravating circumstance. Attempt shall be sanctioned by detention for a term not exceeding two years or a fine not in excess of twenty thousand Dirham. When condemning the recidivist to detention for a period of one year or more, the court may order putting him under control for a maximum period of two years provided it does not exceed the period of the adjudicated penalty.

Article 400

Shall be sentenced to detention or to a fine, whoever exploits the need of a minor or a person condemned to remain under guardianship or custody, or exploits his whim or lack of experience and obtains, to the detriment of the victim or to others, a property, a deed or a signature on it, or an amendment, cancellation or destruction thereof Shall be considered as a minor, the insane, the imbecile and the interdict. In case the crime is perpetrated by the guardian, custodian or curator of the victim or any person having authority over him or his caretaker, this shall be considered an aggravating circumstance.

Article 401⁽¹⁾

Shall be sentenced to detention or to a fine, whoever Replace text under Article (401) with: "Shall be sentenced to detention or to a fine, whoever draws in bad faith a cheque without sufficient funds or who, after giving the cheque withdraws all or part of the funds, so that the remaining balance is insufficient to cover the amount of the cheque, or gives order to the draw to stop payment, or if he deliberately writes or signs the cheque in such a manner as to make it non payable. Shall be sentenced to the same penalty whoever endorses to another or delivers to him a bearer draft knowing that it has no available sufficient funds in consideration thereof or that it is not drawable.

The penal action shall be precluded in case of payment or its withdrawal subsequent to the perpetration of the crime but prior to the settlement of the case by a decisive judgment otherwise stay of execution shall be ordered. In case the court orders the withdrawal of the checkbook from

the condemned person and the prohibition to give him new checkbooks, according to the provisions of Article (643) of the Commercial Transactions Law, the public prosecution shall notify this order to the Central Bank in order to generalize it on all banks. Should any bank violate this order, it shall be liable to pay a fine amounting to one hundred thousand dirhams.

Article 402

The draw who declares in bad faith that the funds held with him are less than the actual drawable balance shall be sentenced to detention or to a fine.

Article 403

The provisions of the two preceding shall apply to postal debit orders (postal check).

CHAPTER THREE BREACH OF TRUST AND RELATED MATTERS

Article 404

Shall be sentenced to detention or to a fine, whoever embezzles, uses or dilapidates amounts, bills or any other movable property to the prejudice of those entitled whenever the said movable property are delivered to him on bases of deposit, lease, pledge, loan for consumption or proxy. In the application of this provision shall be considered as a proxy, the partner in a joint property, the officious on the property of the interested owner and whoever received something to be used in a specific matter for the benefit of its owner or of others.

Article 405

Shall be sentenced to detention for a term not exceeding two years or to a fine not exceeding twenty thousand dirhams, whoever knowingly misappropriate, with the intention to own, a lost property owned by someone else or if the said property was in his possession by mistake or by force majeure.

Article 406

Shall be sentenced to the penalty prescribed in the preceding article, whoever embezzles, or attempt to do so, a movable property that he pledged as bailment for a debt owed by him or by others. The owner appointed guardian on his movables, seized by judicial or administrative order, shall be subject to the same penalty should he embezzle any of it.

CHAPTER FOUR CONCEALMENT OF PROPERTY RESULTING FROM CRIME

Article 407

Whoever acquires or conceals property derived from crime, with full awareness of that, without necessarily being involved in its commitment, shall be subject to the penalty assigned for that crime, from which he knows the property has emanated. In case the perpetrator is not aware that the property is derived from a crime, but has acquired it in circumstances, which indicate its unlawful sources, the penalty would then be imprisonment for a period not exceeding six months and a fine not exceeding AED 5,000 or either of the two penalties.

Article 408

The perpetrator shall be exempted from the penalty, stated in the provisions of the above Article, if he reports to the judicial or administrative authorities the crime and the criminals, from which the property is derived, prior to the uncovering of the crime. If reporting the crime occurs after the crime is being uncovered, the court, may exempt him from the penalty, if the reporting leads to the arrest of the criminals.

CHAPTER FIVE USURY

Article 409

Shall be sentenced to detention for a exceeding three months and to a fine of two to thousands dirham, every physical person dealing, with another physical person or usurious credit any civil or commercial transaction which includes every condition comprising an express or disguised usurious interest. Every commission or benefit of any kind stipulated by a creditor shall he be considered as a disguised interest if it is established, that such commission or benefit is not met by a consideration consisting of a genuine and licit benefit or service given or rendered by the creditor. The genuine principal amount of the debt and disguised interest may be established by all means of evidence.

Article 410

Shall be sentenced to the same penalty provided for in the preceding Article (whoever receives usurious interests resulting from civil or commercial transactions between physical persons that are due prior to the effective date of this Law and which were not yet paid even if adjudicated by a decisive judgment.

Article 411

If the offender takes advantage of the debtors need, weakness or whim in order to perpetrate any of the two crimes provided for in the two preceding articles, this shall be considered an aggravating circumstance.

Article 412

Every physical person who habitually gives usurious loans shall be sentenced to imprisonment for a term not exceeding five years.

CHAPTER SIX GAMBLING

Article 413

Gambling games are those in which every party, the winner, an amount of money or anything else agreed.

Article 414

Whoever gambles shall be sentenced to detention or a term not exceeding two years, or to a fine not in excess of twenty thousand Dirham. The penalty shall be detention or a fine in case the crime is perpetrated in a public place or open to the public, or in a place or house prepared for gambling.

Article 415

Shall be sentenced to imprisonment a term not exceeding two years, whoever opens or manages a gambling house and prepared it to receive people, as well as whoever organized a gambling game in a public place or a place open for public or in a place or house prepared for this purpose.

Article 416

Under all circumstances, money and tools used in gambling shall be seized and confiscated by order of the court which shall also order the closing of the premises or place prepared for gambling which shall not be allowed to reopen unless it is to be used for a licit purpose and pursuant to the approval of the public prosecution.

CHAPTER SEVEN BANKRUPTCY

Article 417

Shall be considered a fraudulent bankrupt and sentenced to imprisonment for a term not exceeding five years, every trader declared bankrupt by virtue of a decisive judgment, in one of the following instances:

- If he conceals, destroys or alters his books.
- If he embezzles or conceals part of his assets to the prejudice of his creditors.
- If he admits fictitious debts or made himself liable to part of it, whether in his books, balance sheets or other papers or in his verbal avowal or by abstaining from submitting papers or explanations being fully aware of the consequences of such abstention.

Article 418

Shall be considered a bankrupt by negligence and shall be sentenced to detention for a term not exceeding two years or to a fine not in excess of twenty thousand C9irharos, every trader declared bankrupt by virtue of a decisive judgment and who caused by his gross negligence a loss to his creditors, in one of the following instances:

- In case he spends huge amounts in gambling swindling practices or fictitious speculations.
- If he purchases goods to be sold at less than their cost price, borrows funds, issues securities or resorts to other means, whenever these cause a great loss arising at raising funds in order to delay the declaration of his bankruptcy.
- If, subsequent to stopping payment, he favors one creditor by settling his debt to him to the detriment of the other creditors.

Article 419

Any trader declared bankrupt by virtue of a decisive judgement may be considered bankrupt by negligence and sentenced to detention for a term not exceeding one year, or to a fine not in excess of ten thousand Dirham, in one of the following instances:

- If he contracts for the benefit of another person and without a consideration, obligations too huge as compared to his financial status at the time of contracting.
- If he does not keep commercial books or if these books are so incomplete or irregular that they

do not show his true debit of credit position, or if he does not make the inventory required by law.

- If he does not observe the rules relative to the organization of the commercial register.
- If he does not submit, within the period fixed by law for this purpose, a declaration that he stopped payment, or if it is fails to submit the balance sheet, or if it is established that the statements submitted by him after he stopped payment are incorrect.
- If he abstains from submitting the data required by the competent court or if it becomes evident that they are false.
- If after stopping payment, he allows a special favor to one of creditors with a view to obtaining Approval of the composition.
- In case the declaration of his bankruptcy is repeated prior to discharging his obligations resulting from a previous bankruptcy.

Article 420

In case of bankruptcy of commercial company, its Board of Directors and its managers shall be sentenced to penalties prescribed for fraudulent bankruptcy should it be established that they committed any of the matters provided for in Article (417 or if they contributed in having the company stop payment whether by ranking false statements as concerns the subscribed or paid-up capital, or by publishing an incorrect balance sheet, by distributing fictitious dividends or by fraudulently taking for themselves more than what they are authorized to take according to the Company's Articles of Association. The Penalty provided for in the present Article shall not apply to the Director or manager if it is established that he did not take part in the incriminated act or has make reservations to the resolution passed in its concern.

Article 421

Without prejudice to any more severe penalty provided for in the Law, shall be sentenced to detention and/or to a fine, whoever:

- Embezzles or conceals all or part of the bankrupt's property even if he is his spouse, or one of his ascendants or descendants.
- Fraudulently intervenes, if other than a creditor, in the composition's deliberations, or if he fraudulently submits or establishes a fictitious debt in his name or in the name of others.
- The creditor who fraudulently confirms his debt, or stipulates for himself, with the bankrupt or

with others, special advantages in consideration of voting, or promising to vote, in the deliberations of the composition or bankruptcy, or makes a special agreement to his benefit to the detriment of the other creditors.

Article 422

The court may order the publishing of any convicting judgement rendered in any of the crimes stated in this Chapter, by the adequate means, and on the convicted expense.

CHAPTER EIGHT FRAUD IN COMMERCIAL TRANSALTIONS

Article 423

Without prejudice to any more severe penalty, shall be sentenced to detention and/or to a fine, whoever fraudulently misrepresents to a contracting party the truth about a merchandise, its nature, characteristics, components, its kind or origin, whenever these are considered basic seasons for contracting, or about the quantum of the merchandise, its quantity, measurement, dry measure, weight, capacity or identity, in case the merchandise delivered is different from that contracted. Shall be subject to the same penalty, whoever imports, purchases or promotes this merchandise for trading purposes being aware of the truth about it.

CHAPTER NINE IMPAIRMENT OF PROPERTY AND TRESPASS ON ANIMALS

Article 424

Shall be sentenced to detention for a term not exceeding one year and/or to a fine not in excess of ten thousand dirham, whoever destroys or impairs a movable or immovable property owned by others, making it unfit for use or impairs it in any other manner. The penalty shall be detention if the crime results in disruption of a public utility or a public benefit installation thus exposing the life of people or their security to dander. penalty shall be imprisonment for a term not exceeding five years if the crime is perpetrated by a gang composed of at least three persons.

Article 425

Shall be sentenced to detention and/or to a fine, whoever:

- Cuts down, deracinates or damages a tree or a graft in a free or peels its bark rendering it lifeless.
- Damages growing crops, plants or fields sown with seeds or disseminate noxious substance or

plant in it.

- Damages an agricultural machine or any agricultural tools or makes it unfit for use any manner.

In case the damaged objects mentioned in the preceding paragraphs are owned by others. The penalty shall be imprisonment for a term not exceeding five years if the crime is perpetrated by three persons or more or by two persons one of whom armed:

Article 426

Shall be subject to the penalty prescribed in the preceding article, whoever:

- Deliberately unjustifiably kilts or seriously impairs a riding, towing or carrying animal or cattle.
- Annihilates or poisons any of the fishes in a water source or in a pool.

Article 427

The attempt to perpetrate any of the misdemeanors provided for in the two preceding articles shall be sanctioned by half the penalty prescribed for the consummated crime.

Article 428

Shall be sentenced to detention for a term not exceeding one year or to a fine not in excess of ten thousand dirham, who- ever damages or moves or removes any of the parameters or sings used in controlling area measurement of leveling grounds or demarcation of boundaries to separate properties the penalty shall be detention in case the crime is perpetrated with the intention to usurp any of the lands referred to above.

Article 429

Should any of the crimes stated in the preceding articles of this chapter be perpetrated at night time or by an act of violence against persons, or if the perpetrator carries an arm, or if the latter takes advantage, in perpetrating the crime the opportunity of a riot, insurrection or common disaster, this shall be considered an aggravating circumstance.

Article 430

Where a recidivist is sentenced to detention for a term of one year or more, in one of the crimes stated in the preceding articles of this chapter, the court shall order putting him under control for a period of two years provided that does not exceed the duration of the adjudicated penalty.

Article 431

Shall be sentenced to detention for a term not exceeding one year or to a fine not in excess of ten thousand dirham, whoever deliberately and without justification kills or poisons or seriously harms domestic or tamed animal other than those mentioned in article 426.

Article 432

Shall be sentenced to a fine not exceeding one thousand dirhams, whoever mistreats or tortures a domestic or tamed animal, as well as whoever abstains from taking care of him whenever he is in charge of it or has the duty to do so.

Article 433

Whoever, by his mistake, causes an injury to animal or cattle owned by others shall be sentenced to a fine not exceeding one thousand Dirham. Should his mistake result in the death of the animal, the penalty shall be a fine not exceeding two thousand dirhams.

CHAPTER TEN TRESPASS ON THE PROPERTY OF OTHERS

Article 434

Shall be sentenced to detention for a term not exceeding one year to a fine not in excess of five thousands Dirham, whoever enters a dwelling place or a place prepared for this purpose, and of its appurtenances, a place reserved for safekeeping funds or a real estate, against the will of the concerned person and in instances other than those stated in the law, as well as a whoever remains in it against the will of whom is entitled to oust him or if he is found hiding from the person who has this right. The penalty shall be detention for a term not exceeding two years if the crime is perpetrated at night or by use of force on persons or things, through the use of arms, by two or more persons or by impersonating a false identity. Should the intention of entering or remaining in such place be depriving from possession by force or the perpetration of a crime, this shall be considered an aggravating circumstance.

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