

# **REPUBLIC OF ALBANIA**

## **PEOPLE'S ASSEMBLY**

### **LAW**

**No. 7895, dated 27 January 1995**

## **CRIMINAL CODE OF THE REPUBLIC OF ALBANIA**

In compliance with Article 16 of Law No. 7491, dated 29 April 1991 "On the Main Constitutional Provisions", with the proposal of the Council of the Ministers

### **THE PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA**

**DECIDED**

#### **I**

### **GENERAL PART**

#### **CHAPTER I**

### **CRIMINAL LAW AND ITS APPLICATION**

#### **Article 1**

#### **Criminal Law and classification of criminal acts**

Criminal law defines<sup>1</sup> the criminal acts, the sentencing and other measures taken against the persons who committed them.

Criminal acts are classified into offences and contraventions. The distinction between them is made in the provisions of the Special Part of the present Code.

#### **Article Article 1**

After article 1, articles 1/a, 1/b and 1/c with the following contents are added:

"Article 1/a

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*Përcakton* in the Albanian original.

### **Basis of criminal legislation**

The Criminal Code is based on the Constitution of the Republic of Albania, general principles of international criminal law, and international treaties ratified by the Albanian state.

The criminal legislation is composed of this Code and other laws that provide criminal offenses.

#### Article 1/b

### **Duties of the criminal legislation**

The criminal legislation of the Republic of Albania protects the independence of the state, and all its territory, dignity of man, his rights and freedoms, constitutional order, property, environment, coexistence and understanding of Albanians with national minorities, and religious coexistence from criminal offenses and their prevention. [*sic*]

#### Article 1/c

### **Principles of the Criminal Code**

The Criminal Code is based on the constitutional principles of rule of law, equality before the law, and justice in determining culpability and punishment, as well as principles of humanity.

The implementation of criminal law by analogy is not allowed.”

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### **Unlawful sentencing**

No one may be sentenced for an act which is not already explicitly provided for by law as an offence or a criminal contravention.

No one may be sentenced with a type and measure of punishment that is not provided for by law.

#### Article 3

### **Operation in time of the criminal law**

No one may be sentenced for an act that, according to the law in effect at the time it was committed, did not constitute a criminal act.

A new law which does not incriminate<sup>2</sup> a criminal act has retroactive effect. If the person has been sentenced, the enforcement of the sentence shall not commence and, if it has commenced, it shall cease.

If a law in force at the time when a criminal act has been committed differs from a subsequent law, the law whose provisions are more favorable to the person who has committed

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<sup>2</sup>*Dënon* (punishes) in the Albanian original.

the criminal act shall apply.

#### Article 4

##### **Ignorance of law**

Ignorance of the law that punishes a criminal act does not constitute a cause for exclusion from criminal responsibility, unless the ignorance is objectively unavoidable.

#### Article 5

##### **Territory of the Republic of Albania**

The Republic of Albania's territory in the sense of criminal law, is defined as the land space, the width of the territorial and internal sea waters, the air space extending over the land space and over the territorial and internal sea waters space as well as over any other place under the sovereignty of the Albanian State such as the residencies<sup>3</sup> of the Albanian diplomatic and consular missions, the ships carrying the flag of the Republic of Albania, the ships belonging to the navy, [the carriers] of the military and civil aviation wherever they happen to be.

#### Article 6

##### **The applicable law on criminal acts committed by Albanian citizens**

As concerning criminal acts committed by Albanian citizens within the territory of the Republic of Albania, the criminal law of the Republic of Albania shall apply.

The criminal law of the Republic of Albania shall also be applicable to the Albanian citizen who commits an offence within the territory of another country<sup>4</sup>, when that offence is concurrently punishable, unless a foreign court has given a final sentence.

In the sense of this article, Albanian citizens shall also be considered those persons who apart from the Albanian citizenship hold another one too.

#### Article 7

##### **The applicable law on criminal acts committed by foreign citizens**

The foreign citizen who commits a criminal act within the territory of the Republic of Albania is held responsible on the basis of the criminal law of the Republic of Albania.

The criminal law of the Republic of Albania is also applicable to a foreign citizen who, outside of the Republic of Albania, commits one of the following offences against the interests of the Albanian State or an Albanian citizen:

- a) crimes against humanity;
- b) crimes against Albanian independence and its constitutional order;

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<sup>3</sup>*Seli* in the Albanian original.

<sup>4</sup>*Shtet* in the Albanian original.

- c) terrorism;
- d) organization of prostitution, illegal manufacturing and trafficking of drugs, other narcotic substances, weapons, nuclear substances, as well as pornographic materials;
- e) hijacking airplanes or ships;
- f) falsifying the Albanian state seal, Albanian currency, or Albanian bonds or stocks;
- g) crimes which affect the life or health of Albanian citizens, to which the law provides for a punishment by imprisonment of five years or any other heavier punishment.

#### Article 8

##### **Applicable law on criminal acts committed by a person without nationality**

If a person who does not hold any nationality commits a criminal act within the territory of the Republic of Albania or an offence outside it, the provisions of Article 7 of this Code shall apply.

#### Article 9

##### **Responsibility of a foreign citizen who enjoys immunity**

Any case concerning the responsibility of a foreign citizen who commits a criminal act within the territory of the Republic of Albania and enjoys immunity according to international law is resolved diplomatically.

#### Article 10

##### **Validity of criminal sentences of foreign courts**

Unless otherwise provided for by bilateral or multilateral treaties, the criminal sentences of foreign courts on Albanian citizens who plead guilty of committing a criminal act are valid in Albania within the limits of the Albanian law, also on the following merits:

- a) for the effect of qualifying as recidivist the person who has committed the criminal act;
- b) to execute sentences comprising additional punishment;
- c) for implementing security measures;<sup>5</sup>
- d) for compensation of damages or other civil law effects.

#### Article 11

##### **Extradition**

Extradition may be granted<sup>6</sup> only when explicitly provided for by international treaties where the Republic of Albania is a party.

Extradition shall be granted when both Albanian law and foreign law provide for the

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<sup>5</sup>*Masa të sigurimit* in the Albanian original

<sup>6</sup>*Lejohet* (permitted) in the Albanian original.

criminal act, which constitutes the object of the request for extradition, as such simultaneously.

Extradition shall not be granted:

a) if the person to be extradited is an Albanian citizen, unless otherwise provided for by the treaty;

b) if the criminal act constituting the object of the request for extradition is of a political or military nature;

c) when there is reasonable ground to believe that the person requested to be extradited will be persecuted, punished or wanted<sup>7</sup> because of his political, religious, national, racial or ethnic beliefs;

d) if the person requested to be extradited has been tried for the criminal act for which a competent Albanian court demands the extradition.

## CHAPTER II

### CRIMINAL RESPONSIBILITY

#### Article 12

##### **Age for criminal responsibility**

A person bears criminal responsibility if, at the time he or she commits an offence, he or she has reached the age of fourteen.

A person who commits a criminal contravention bears responsibility at the age of sixteen.

#### Article 13

##### **Causal connection**

No one bears criminal responsibility if there is no causal connection between his action or inaction and the actual consequences or their probability to be realized.

#### Article 14

##### **Guilt**

No one shall be sentenced for an action or inaction that is provided for by law as a criminal offense if the latter is not guilty of committing the action or inaction.

A person is guilty if he commits the criminal act intentionally or because of negligence.

#### Article 15

##### **Intention**

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<sup>7</sup>*Kërkohet* in the Albanian original.

A criminal act is committed intentionally when the person foresees the consequences of the criminal act and wants them to occur or, although he foresees but does not want them, consciously allows them to occur.

#### Article 16

##### **Negligence**

A criminal act is committed because of negligence when the person, although he does not want its consequences, foresees the possibility of their occurrence and with light mindedness attempts<sup>8</sup> to avoid them, or when he does not foresee the consequences, but according to the circumstances, he should and could have foreseen them.

#### Article 17

##### **Irresponsibility because of the person's mental state**

A person does not bear criminal responsibility if, at the time of the commitment of the act, he suffered from psychic or neuropsychic disorders ruining his mental balance entirely and, consequently, was unable either to control his actions or omissions, or to understand the criminal act he was committing.

A person is responsible if, at the time of the commitment of the criminal act, he suffered from psychic or neuropsychic disorders which lowered his mental balance [and capacity] to understand and fully control his actions or inactions, but this circumstance will be considered by the court when deciding on the degree and the kind of punishment.

#### Article 18

##### **Criminal act committed when inebriated**

A person is not excluded from criminal responsibility if he commits the act while inebriated.

When the state of inebriation is accidental and brings about the lowering of mental balance, the court considers this circumstance for mitigating the sentence. When the person is intentionally<sup>9</sup> inebriated in order to commit a criminal act, the court considers this circumstance for aggravating the sentence.

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<sup>8</sup> *Shpreson*, which is equivalent to *hopes*, in the Albanian original.

<sup>9</sup> *Me paramendim* (premeditatedly) in the Albanian original.

The above mentioned rules are also applied when the criminal act is committed under the effect of narcotics or other stimulants.

## Article 19

### **Necessary defense**

A person bears no criminal responsibility if he commits the act while being compelled to protect his or somebody else's life, health, rights and interests from an unfair, real and accidental attack, provided that the defense is proportionate to the dangerousness of the attack.

Obvious disproportion between them constitutes excessiveness over the limits of necessary defense.

## Article 20

### **Extreme necessity**

A person does not bear criminal responsibility if he commits the criminal act because of the necessity to confront a real and accidental danger which threatens him, another person or property from a serious damage which is not avoidable through other means, unless it has been instigated by him and the damage incurred is greater than the damage avoided.

## Article 21

### **Exercising a right or fulfilling a duty**

A person bears no criminal responsibility if he acts to exercise rights or fulfill duties determined by law or an order ruled by a competent authority, unless the order is obviously unlawful.

When the criminal act is committed as a result of an unlawful order, then the person who has given such an order shall be held responsible.

## CHAPTER III

### **ATTEMPT**

## Article 22

### **The meaning of attempt**

A criminal act is considered an attempt when, although the person undertakes straightforward actions to commit such criminal act, it is discontinued or is not completed due to circumstances independent of his will.

## Article 23

### **Responsibility for the attempt**

The person attempting to commit a crime shall be held responsible.

Considering the stage until the realization of the consequence, as well as the causes due to which the offence remained an attempt, the court may mitigate the sentence, and may lower it under the minimum provided for by law, or may decide for a kind of punishment milder than the one provided for by law.

## Article 24

### **Giving up the commitment of a criminal act**

A person bears no criminal responsibility if, on his own will and in a definite way, he declines to commit a criminal act, despite the opportunities he may have for committing the act.

In the case that the actions committed up to that time contain elements of another criminal act, the person shall be held responsible for the acts committed.

## CHAPTER IV

### **COLLUSION**

## Article 25

### **Meaning of collusion**

Collusion is the agreement of two or more persons to commit a criminal act.

## Article 26

### **Collaborators**

Collaborators in committing a criminal act are considered: the organizers, executors, instigators, and helpers.

Organizers are those persons who organize and manage the activity to commit the criminal act.

Executors are those persons who carry out direct actions to realize the criminal act.

Instigators are those persons who instigate the other collaborators to commit a criminal act.

Helpers are those persons who, through advice, instructions, concrete means, abolition of obstacles, promises to hide collaborators tracks<sup>10</sup> or things relevant to the criminal act, help to carry it out.

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<sup>10</sup>*Gjurmë* in the Albanian original.



## Article 27

### **Responsibility of collaborators**

Organizers, instigators, and helpers bear the same responsibility as the executors for the criminal act committed.

In deciding the sentencing of collaborators, the court should consider the level of participation and the role played by everyone in committing the criminal act.

## Article 29

### **Armed gang and criminal organization**

Armed gang and criminal organization represent particular forms of collusion which differ not only with respect to the number of participants, but also on their level of organization and persistence to commit a number of criminal acts.

A criminal organization represents the highest degree of collusion for committing a consistent criminal activity.

The creation and participation in an armed gang or in criminal organizations, as well as their committing of criminal acts, are qualified as specific criminal acts and are punished according to the provisions of the Special Part of this Code.

Members of an armed gang or a criminal organization bear responsibility for all criminal acts committed by the gang or the organization if they have acted either as organizers or executors or instigators or helpers.

A member of an armed gang or a criminal organization bears no criminal responsibility for collusion when he repents and helps the competent authorities in order to prevent the [criminal] activity and discover the collaborators.

It is a circumstance for mitigating the punishment, and in some particular cases, for lowering it under the minimum provided for by law, if a member of an armed gang or of a criminal organization which has committed criminal acts repents and cooperates with the competent authorities to discover the [criminal] activity and the other collaborators.

If the court holds that the role played by the member of the armed gang or criminal organization who repents is not cardinal, when the acts he has committed are not extremely dangerous and when the help he has given for the discovery of the [criminal] activity and of the collaborators of the gang is important, it may exclude him from sentencing.

## CHAPTER V

### **PUNISHMENTS**

## Article 29

### **Principal punishments**

The following punishments shall apply to the offenders:

1. Capital punishment or life imprisonment;
2. Imprisonment;

3. Fine;

A person who has committed a criminal contravention shall suffer the following principal punishments:

1. Imprisonment;
2. Fine.

Article 30

**Supplementary punishments**

Besides the principal punishment, a person who has committed offences or criminal contravention may also be punishable by one or some of the following supplemental punishments:

1. Denial of the right to work as a state employee or in public service;
2. Confiscation of the means relevant to the commitment of the criminal act and of the profits deriving from it;
3. Ban on driving;
4. Stripping off decorations, honorary titles.
5. Deprivation of the right to exercise a profession or skill;
6. Deprivation of the right to undertake leading positions related to juridical persons;
7. Denial of the right to stay<sup>11</sup> in one or some administrative units;
8. Expulsion from the territory;
9. Compulsion to make the court sentence public.

In particular cases, when the criminal punishment is deemed to be inappropriate and when the law provides for imprisonment up to 3 years or other lighter punishments, the court may decide only for the supplementary sentence.

Article 31

**Life imprisonment or capital punishment**

The court decides for life imprisonment when a serious offence has been committed. In special cases, for an extremely serious offence, the court may apply the capital punishment.

Life imprisonment or capital punishment is not applied to persons who, at the time when the offence is committed, were younger than eighteen years old or, are women.

Life imprisonment or capital punishment are both provided for at the Special Part of this Code.

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<sup>11</sup>*Qëndroj* in the Albanian original.

## Article 32

### **Imprisonment**

Imprisonment sentences for offences committed range from five days to twenty-five years.

Imprisonment sentences for criminal contravention range from five days to two years.

## Article 33

### **The manner of serving life imprisonment and ordinary imprisonment**

Life imprisonment and [ordinary] imprisonment are served at special institutions set up specifically for this purpose.

The rules concerning the manner of serving the imprisonment sentence, the prisoner's rights and duties are defined by law

Juveniles serve imprisonment sentences in institutions<sup>12</sup> separated from those of the adults.

Women serve imprisonment sentences in institutions<sup>13</sup> separated from those of men.

## Article 34

### **Fines**

Fines consist of paying to the state an amount of money within the range provided for by law.

Fines are imposed upon persons who commit an offence or a criminal contravention.

Persons who commit an offence are fined in the range of 10 thousand to 2 million lekë.

Persons who commit a contravention are fined in the range of 5 thousand to 2 hundred thousand lekë.

The fine must be paid within the deadline fixed by the court.

The court, while considering the economic status of the defendant<sup>14</sup>, may allow him to pay his fine by installments, fixing their amount and the terms of the payment.

When the fine is not paid in due time, the court decides on replacing the fine with imprisonment, calculating 1 thousand lekë per one day of imprisonment.

When the fine is imposed for an offence committed, its replacement with imprisonment cannot exceed three years, whereas when it is imposed for a criminal contravention, the replacement cannot exceed one year of imprisonment, but always without exceeding the maximum of imprisonment provided for by the relevant disposition

When the person convicted as above pays off his fine during the imprisonment term, the court revokes its sentence, making calculations according paragraph 7 of this Article.

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<sup>12</sup>In the Albanian original it is used the term *vende*, equal to *places* in English.

<sup>13</sup>In the Albanian original it is used the term *institucione*.

<sup>14</sup>*I dënuar* in the original.

## Article 35

### **Deprivation of the right to work in the public service**

Deprivation of the right to work in the state administration or in the public service is applied to persons who abuse these offices and have committed an offence for which the court has decided a sentence of no shorter than ten years and deems that such a right should be banned forever.

Deprivation of the right to work in the state administration or in the public service may also be imposed for a period of one to five years, when the court has ruled for up to ten years of imprisonment.

## Article 36

### **Confiscation of the means for committing the criminal act**

Confiscation is necessarily applied by the court on persons committing criminal acts, and consists of the seizure and transfer in favor of the state of the means which have served or were chosen as a means to commit a criminal act, as well as the objects, money, and any other property resulting from the criminal act or the reward given or promised for its commitment.

## Article 37

### **Ban on driving**

Ban on driving is imposed by the court for a period within the range of one to five years, toward persons who have committed a criminal act, when it is deemed that it will have a preventative effect or is linked to the nature of the act committed.

## Article 38

### **Stripping decorations and honorary titles**

A person is stripped of decorations and honorary titles if he commits a criminal act punishable by imprisonment and it is deemed that maintaining them does not comply with the nature of the criminal act committed.

Stripping decorations and honorary titles shall be permanent if the person is sentenced for an offence for more than ten years of imprisonment, and shall endure from one to five years, if he is sentenced up to ten years of imprisonment.

## Article 39

### **Deprivation of the right to exercise an activity or skill**

The deprivation of the right to exercise an activity or skill prohibits the convicted to undertake the activity or skill for which a special permission, certificate, authorization, or license has been granted by the competent authority.

Deprivation of the right to exercise an activity or skill shall endure from one month to five years and is a result of any punishment for criminal acts committed through abusing them.

#### Article 40

##### **Deprivation of the right to undertake leading positions**

Deprivation of the right to undertake leading positions within the context of juridical persons denies the convicted the right to exercise the duty of director, administrator, manager, liquidator, or perform any other duty relevant to the qualification of the representative of a juridical person.

Deprivation of the right to undertake leading positions within the context of a juridical person is a result of any punishment for criminal acts and is provided for a period of time ranging from one month to five years, when the convicted has abused his authority or has acted in violation of the rules and regulations related to his duty.

#### Article 41

##### **Denial of the right to stay in one or more administrative units**

The denial of the right to stay in one or more administrative units is decided by the court for a period of time ranging from one to five years, when it is deemed that the convicted's stay in those areas constitutes a danger for the public security.<sup>15</sup>

#### Article 42

##### **Expulsion from the territory**

Expulsion from the territory of the Republic of Albania is decided by the court toward a foreign citizen or person without nationality who commits an offence and it is deemed that his further stay in the territory of the Republic of Albania should no longer continue.

The court may revoke the decision through the request of the convicted, when the foreign citizen or the person without nationality gains Albanian citizenship.

#### Article 43

##### **Publication of court sentences**

The court decides the publication of the court sentence when it deems that the disclosure of the content of the sentence interests juridical and physical persons.

The publication of the court sentence consists of compelling the convicted to publish the court decision, at his own expenses, in one or some newspapers or RTV stations, in its entirety or partially, according to the ruling of the court.

The court decides the publication date and the length of time.

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<sup>15</sup>*Sigurim publik* in Albanian original.

The press and mass media are obliged to publish the court sentences sent by the court.

The publication of court sentences is not granted when the divulgence of a state secret is threatened, the private life of people is violated or public moral is afflicted.

#### Article 44

### **The manner of serving supplementary punishments**

If the court, in addition to the imprisonment punishment, gives one or some supplementary punishments provided for in Article 30 of this Code, their implementation commences simultaneously.

As for the paragraphs 1, 3, 5, 6, 7 and 8 of Article 30 of this Code, their implementation commences after the completion of the imprisonment. The rights of the convicted afflicted by the supplementary punishments may not be enjoyed during the period of imprisonment.

#### Article 45

### **Criminal sanctions for juridical persons**

If during a judicial investigation the court proves that a juridical person exercises activity that constitutes criminal work, it may rule:

The total or partial cessation of the activity and the confiscation of the earnings, means and every other property resulting from that activity.

#### Article 46

### **Medical and educational sanctions**

The court may decide medical sanctions toward irresponsible persons who have committed criminal activity, whereas educational sanctions may be decided toward minors who are excluded from punishment or, because of their age, do not bear criminal responsibility.

Medical sanctions are the following:

1. Compulsory medical treatment at a medical clinic;
2. Compulsory medical treatment in a medical institution;

Educational sanctions are the following:

1. Placement of a minor in an institution for education.

The court can revoke, at any time, the sentence of medical or educational sanctions if the circumstances under which they were taken cease to exist, but, in any case, the court is obliged *ex officio* to reconsider its decision after one year from the date of the court sentence.

The rules relevant to revoking the court sentence, which contained medical and educative sanctions, are provided for in the Code of Criminal Procedure.

## CHAPTER VI

### DETERMINATION OF PUNISHMENT

#### Article 47

##### **Determination of punishment**

The court determines the punishment in compliance with the provisions of the general part of this code and the limits of punishment on criminal acts provided for by law.

In determining the range of punishment against a person the court considers the dangerousness of the criminal act, the dangerousness of the person who committed the act, the level of guilt, as well as both mitigating and aggravating circumstances.

#### Article 48

##### **Mitigating circumstances**

The following circumstances mitigate the punishment:

- a) When the act is committed due to positive moral and social values;
- b) When the act is committed under the effect of a psychiatric disorder caused by provocation or the unfair acts of the victim or some other person;
- c) When the act is committed under the influence of wrong actions or instructions of a superior;
- ç) When the person who has committed the act shows deep repentance;
- d) When the person has compensated for the damage caused by the criminal act or has actively helped to eliminate or decrease its consequences;
- dh) When the person gives himself over to the competent authorities after committing the criminal act;
- e) When the relationship between the offender and the victim has improved to normality.

#### Article 49

*[No title in the original]*

Regardless of the circumstances mentioned in Article 48 of this Code, the court may also consider other circumstances as long as it deems them as such to justify the lowering of the sentence.

#### Article 50

##### **Aggravating circumstances**

The following circumstances aggravate the punishment:

- a) When the act committed is based upon weak motives;<sup>16</sup>
- b) When the act is committed for the purpose of making responsible or hiding the criminal

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<sup>16</sup>*Motive të dobta* in the Albanian original.

responsibility of a third person, or for avoiding the sentencing for another criminal act;

- c) When the criminal act is committed savagely and ruthlessly;
- ç) When an offence is committed after a sentence was decided for a previous offence;
- d) When actions which aggravate or increase the consequences of a criminal act are committed;
- dh) When the act is committed by abusing duties which derive from a state or religious function or service;
- e) When the act is committed against children, pregnant women, or other people who, for different reasons, cannot protect themselves;
- f) When the act is directed against representatives of other states;
- g) When the act is committed by taking advantage of family, friendship, or hospitable relations.
- gj) When the act is committed in collusion.

#### Article 51

### **Imprisonment sentencing of minors**

For minors, who at the time they committed the criminal act were under 18 years old, the imprisonment sentence may not exceed half of the term of punishment provided for by law for the criminal act committed.

#### Article 52

### **Excluding minors from punishment**

The court, considering the lack of dangerousness of the criminal act, estimating the concrete circumstances under which it was committed, and the previous behavior of the minor, may exclude him from punishment.

In this case the court may decide to place the minor to an educational institution.

#### Article 53

### **Sentencing under the minimum provided for by law**

In special cases, when the court deems that both the act and the person who committed it are of small dangerousness and there are mitigating circumstances, the court may sentence under the minimum or may decide a punishment milder than the one provided for in the respective provision.

#### Article 54

### **Accepting to pay the fine**

As concerns criminal contravention for which, besides the fine, an imprisonment sentence is also provided, the court, upon the request of the person who committed the criminal contravention, may decide to accept his lump sum payment in favor of the state budget, equal to



half of the maximum fine provided for criminal contravention by the General Part of this Code.

The request may be presented at any stage of the trial proceedings before the final sentence [at the court] of first instance.

When the court rejects such a request, it sentences [the defendant] for the act committed.

The request is not accepted for persons previously convicted also for criminal contravention.

## Article 55

### **Sentencing for more than one criminal act**

When actions or non-actions contain elements of more than one criminal act, and when the person has committed more than one criminal act for which no sentence has been given, the court first sentences every criminal act separately, giving a single sentence at the end, which consists of the heavier added sentence.<sup>17</sup>

The heavier added sentence may exceed neither the total sum of the punishments determined separately nor the maximum provided for the type of the sentence given.

When the court deems that committing more than one crime does not demonstrate the serious dangerousness of the defendant<sup>18</sup>, it may give as a final sentence the heaviest punishment provided for one of the criminal acts.

In giving its final decision, the court sentences one or more than one of the supplementary punishments given separately for each particular crime.

## Article 56

### **Concurrence of sentences**

If before serving the full sentence, the convicted is sentenced for a criminal act committed prior to the sentencing, the rules of the previous article shall apply, and the already served portion will be calculated into the new sentence.

When the convicted commits a new criminal act after his sentencing, but before the full term of the sentence is served, the court concurs the new sentence with the remaining portion of the previous term, according to the rules provided for in Article 55 of this Code.

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<sup>17</sup>*Dënimi më I rëndë I shtuar* according to the Albanian original.

<sup>18</sup>*Fajtor* in the Albanian original.

## Article 57

### **Detention**

Detention period is calculated in imprisonment, fine, or work in the public interest as follows:

One day of detention equals to one day and a half of imprisonment.

One day of detention equals to a fine of one thousand lekë.

One day of detention equals to eighteen hours work in public interest.

## CHAPTER VII

### **ALTERNATIVES TO IMPRISONMENT**

## Article 58

### **Fragmentation of imprisonment**

For punishments up to one year of imprisonment, if the court notices grave family, medical, professional, or social circumstances, it may decide that the sentence be executed fragmentarily but for not less than two days per week.

In any case, the execution of the sentence must be completed within three years.

The court revokes the fragmentary sentence when these circumstances cease to exist, or when the convicted violates the obligations defined in the sentence.

## Article 59

### **Suspending the execution of a sentence**

If the person and the circumstances under which the criminal act was committed are of little dangerousness the court, while sentencing up to five years of imprisonment, may rule that the convicted be put on probation, thus suspending the execution of the sentence, provided that during the probation he will not commit any other criminal act equally serious or more serious than the previous one.

Probation extends from eighteen months to five years.

## Article 60

### **Sanctions against the convicted under probation**

The court may compel the convicted under probation to meet one or some of the following sanctions:

1. To exercise a professional activity or to gain professional education or training.
2. To pay family pensions in due time.
3. To compensate for torts.
4. To be banned from driving certain vehicles.
5. To be forbidden to exercise a professional activity if the criminal act relates to such activity.
6. To be forbidden from certain places.
7. To be forbidden from shops serving alcoholic beverages.
8. To stay in his residence during certain hours.
9. To avoid the company of determined persons, mainly convicts or collaborators of the criminal act.
10. Not to carry weapons.
11. To be subjected to medical treatment against alcohol and narcotics.

## Article 61

### **Convicted's obligations during probation**

During probation the convicted is obliged:

1. To respond to calls and demands of the legal organs supervising probation.
2. To inform the supervising organs of probation of work-related changes.
3. To obtain permission from the supervising organs of probation for any changes of residence or job, or visits abroad.

## Article 62

### **Revoking the sentence on suspending through**

If, during the term of probation, the convicted commits a criminal act of the same degree or even a more serious act than the previous one, the court shall revoke the suspending decision.

Revoking is made even when the convicted, without having reasonable cause, has not met

the measures and sanctions mentioned in Articles 60 and 61 of this Code, which were imposed upon him.

When the suspending decision is not revoked, the [first] sentence given is considered void.

#### Article 63

### **Suspension of imprisonment and compulsion to perform labor in favor of public interest**

The court may suspend the imprisonment sentence if the latter is less than one year, and replace it with the compulsion to perform labor in favor of the public interest, if the person and the circumstances under which the criminal act was committed are of little danger.

Labor in favor of the public interest extends from forty to two hundred and forty hours and consists of compelling the convicted to perform unpaid labor in favor of the public interest or to the benefit of an organization as nominated in the court verdict.

The compulsion may not be ruled if the convicted refuses the suspension during the court hearing.

Labor in favor of the public interest is performed within a six-month term.

In its sentence the court determines the working hours, as well as the days of week when the labor will be performed.

After the labor is accomplished, the sentence is considered non-existent.

This kind of suspension is enforced according to the rules defined in Articles 61 and 62 of this Code.

#### Article 64

### **Early release on parole**

The imprisoned person may be released on parole if:

He has served not less than half of the term and his behavior and work show that the educational aim has been achieved.

[Imprisonment] term benefited through an amnesty or pardon is not calculated in the half of the term served.

A recidivist is deprived of the right to early release on parole.

The court may revoke release on parole if the convicted, during the parole period, commits another criminal act equally serious or more serious than the previous one, applying the provisions on joined sentences.

#### Article 65

*[No title in the original]*

A convicted serving life imprisonment is deprived of the right to early release on parole.

Only in extraordinary circumstances may the convicted serving life imprisonment be released on parole, [and precisely when]:

He has served no less than twenty-five years of imprisonment and, during the period serving his sentence, has had excellent behavior and it is deemed that the educational aim has been achieved.

## CHAPTER VIII

### **CESSATION OF CRIMINAL PROSECUTION, PUNISHMENTS, AND THEIR NON-EXECUTION**

#### Article 66

##### **Statute of limitations for criminal prosecution**

Criminal prosecution shall not be conducted if, from the moment the act was committed until the moment that the person is held defendant, have elapsed:

- a) twenty years on offences for which the law provides sentences of no lower than ten years of imprisonment or other heavier punishment.
- b) ten years on offences for which the law provides sentences between five and ten years of imprisonment;
- c) five years on offences for which the law provides sentences up to five years of imprisonment or fine;
- ç) three years for criminal contraventions which provide sentences up to two years of imprisonment;
- d) two years for criminal contraventions which provide fines.

#### Article 67

##### **Non-operation of the statute of limitations on criminal prosecution**

There is no statute of limitation operative for the criminal prosecution against war crimes and crimes against humanity.

#### Article 68

##### **Statute of limitations on the execution of sentences**

The sentence is not executed if from the day it became final have elapsed:

- a) twenty years for imprisonment sentences between fifteen to twenty-five years;
- b) ten years for imprisonment sentences between five to fifteen years;
- c) five years for imprisonment sentences of up to five years or other lighter sentences.

## Article 69

### **Nullification of sentencing**

The sentencing of the following is considered null and void the sentencing of:

a) those who are convicted with imprisonment sentences less than six months or with any other lighter sentence, who have not committed any other criminal act for two years since the [last] day of their served sentence.

b) those who are convicted of imprisonment sentences ranging from six months up to five years and who have not committed other criminal act for five years since the [last] day of their served sentence

c) those who are convicted of imprisonment sentences ranging from five to ten years and who have not committed any other criminal act for seven years since the [last] day of their served sentence.

ç) those who are convicted of imprisonment sentences ranging from ten to twenty-five years and who have not committed any other criminal act for ten years since the [last] day of their served sentence.

## Article 70

### **Pardon**

Through the act of pardoning the competent authority either excludes the person completely or partially from serving the court sentence or substitutes the sentence with a lighter one.

## Article 71

### **Amnesty**

Through the act of amnesty the competent authority excludes a person from criminal prosecution, from serving the sentence completely or partially, or substitutes the sentence with a lighter one.

Amnesty includes all those criminal acts committed up to one day prior to its announcement unless otherwise provided for by the respective act.

## Article 72

### **Applicability of provisions of the General Part**

The provisions of the General Part of this Code shall also apply to other criminal acts provided for as such by special laws.

## **SPECIAL PART**

### **CHAPTER I**

#### **CRIMES AGAINST HUMANITY**

##### **Article 73**

##### **Genocide**

The execution of a premeditated plan aiming at the total or partial destruction of a national, ethnic, racial or religious group directed towards its members, and combined with the following acts, such as: intentionally killing a group's members, serious physical and psychological harm, placement in difficult living conditions which cause physical destruction, applying birth preventing measures, as well as the obligatory transfer of children from one group to another, is sentenced with no less than ten years of imprisonment, or with life imprisonment, or the death penalty.

##### **Article 74**

##### **Crimes against humanity**

Killing, massacres, slavery, internal exile and deportation, as well as every act of torture or other inhuman violence committed for political, ideological, racial, ethnic and religious reasons, are punishable by no less than fifteen years of imprisonment, or with life imprisonment, or the death penalty.

##### **Article 75**

##### **War crimes**

Acts committed by different people in war time such as murder, maltreatment or deportation for slave labor, as well as any other inhuman exploitation to the detriment of civil population or in occupied territory, the killing or maltreatment of war prisoners, the killing of hostages, destruction of private or public property, destruction of towns, commons or villages, which are not ordained from military necessity, are sentenced with no less than fifteen years of imprisonment, or life imprisonment, or death penalty.

## CHAPTER II

### OFFENCES AGAINST THE PERSON

#### CRIMES AGAINST LIFE

##### SECTION I

#### CRIMES AGAINST LIFE COMMITTED INTENTIONALLY

##### Article 76

#### **Murder**

The person convicted of murder shall be punishable by a term of ten to twenty years of imprisonment.

##### Article 77

#### **Murder connected to another crime**

The act of murder, which is committed before, along, or after another crime, shall be punishable by life imprisonment or death.

##### Article 78

#### **Premeditated homicide**

The person convicted of premeditated homicide shall be punishable by a term of fifteen to twenty-five years of imprisonment and, when aggravating circumstances occur, to life imprisonment or death.

##### Article 79

#### **Murder for reasons of special qualities of the victim**

The murder committed against:

- a) a minor under sixteen years old;
  - b) a person with physical or psychiatric handicaps, gravely sick people or pregnant women, provided that these qualities are obvious or known;
  - c) a deputy, judge, prosecutor, lawyer, policeman, military officer, state employee, during work period or because of the work, provided that the qualities of the victim are obvious or known;
  - d) the person who reported the criminal act, the witness, the damaged person or other parties in the trial;
- shall be punishable by life imprisonment or death.

##### Article 80



*[No title in original]*

Providing the [necessary] conditions and material means for committing the murder shall be punishable by an imprisonment term of up to five years.

#### Article 81

#### **Infanticide**

The infanticide voluntarily committed by a mother right after birth is considered criminal contravention and shall be punishable by a fine or up to two years of imprisonment.

#### Article 82

#### **Homicide committed in a state of profound psychiatric distress<sup>19</sup>**

Homicide committed intentionally in a sudden state of profound psychiatric distress caused by violence or serious offense to the victim is sentenced up to eight years of imprisonment.

#### Article 83

#### **Homicide committed through the use of excessive force for self-defense**

Homicide committed through the use of excessive force for self-defense is sentenced up to seven years of imprisonment.

#### Article 84

#### **Threat**

Serious threat to cause death or grave personal harm to someone constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

### SECTION II

#### **OFFENCES AGAINST THE PERSON COMMITTED BY NEGLIGENCE**

#### Article 85

#### **Manslaughter<sup>20</sup>**

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<sup>19</sup>*Tronditje e fortë psiqike* in the Albanian original.

<sup>20</sup>*Vrasja nga pakujdesia* (Negligent homicide) in the Albanian original.

Homicide because of negligence is punishable by a fine or up to five years of imprisonment.

### SECTION III

## **CRIMINAL ACTS INTENTIONALLY COMMITTED AGAINST HEALTH**

### Article 86

#### **Torture**

Torture, as well as any other degrading or inhuman treatment, is punishable by five to ten years of imprisonment.

### Article 87

#### **Torture resulting into serious consequences**

Torture, like any other degrading or inhuman treatment, when it has inflicted handicap, mutilation or any permanent harm to the well-being of a person, or death, is punishable by ten to twenty years of imprisonment.

### Article 88

#### **Serious intentional injury**

Serious intentional injury inflicting handicap, mutilation or any other permanent detriment to the health, or inflicting interruption of pregnancy, or which has been dangerous to the life at the moment of its inducement, is punishable by three to ten years of imprisonment.

When the same act is committed against a group of people, or causes death, it is punishable by five to fifteen years of imprisonment.

### Article 89

#### **Non-serious intentional injury**

Intentional injury, inflicting temporary work incapacity of no longer than nine days, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

### Article 89/a

The trade of human organs, as well as every action that relates to illegal removal or implantation of the organs is sentenced with imprisonment from 10 up to 20 years.

### Article 90

#### **Other intentional harm**

Assault as well as any other violent act, constitutes criminal contravention and is punishable by a fine.

The same act, when causing temporary work incapacity of up to nine days, constitutes criminal contravention and it is punishable by a fine or up to six months of imprisonment.

#### SECTION IV

### **CRIMINAL ACTS AGAINST HEALTH DUE TO NEGLIGENCE**

#### Article 91

#### **Serious injury due to negligence**

Serious injury due to negligence constitutes criminal contravention and is punishable by a fine or to up to one year of imprisonment.

#### Article 92

#### **Non-serious injury due to negligence**

Non-serious injury due to negligence constitutes criminal contravention and is punishable by a fine.

#### SECTION V

### **CRIMINAL ACTS ENDANGERING THE LIFE AND HEALTH BECAUSE OF INTERRUPTION OF PREGNANCY OR REFRAINING FROM PROVIDING HELP**

#### Article 93

#### **Interruption of pregnancy without the woman's consent**

Interruption of pregnancy without the woman's consent, except those cases when interruption is imposed because of a justified health-related cause, is punishable by a fine or up to five years of imprisonment.

## Article 94

### **Interruption of pregnancy conducted in unauthorized places by unlicensed persons**

Interruption of pregnancy which is not conducted in public hospitals or specifically licensed private clinics, or by a person who is not doctor, or after the time allowed for the interruption except in the case when this is imposed because of a justified health-related cause, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

If the act has caused [serious] danger to the life or resulted to death, it is punishable by a fine or to up to five years of imprisonment.

## Article 95

### **Providing the utensils for interruption of pregnancy**

Providing the utensils which serve for interruption of pregnancy of a woman in order to have either her or somebody else interrupt the pregnancy, constitutes criminal contravention and is punishable by a fine or to up to one year of imprisonment.

## Article 96

### **Incorrect medication**

Incorrect medication of patients from the doctor or other medical staff, as well as non-implementation of the therapy or the orders of the doctor from the medical staff or pharmacist, when it has caused serious harm to the health, has endangered the life of the person or has caused his death, is punishable by a fine or up to five years of imprisonment.

## Article 97

### **Refraining from providing help**

Refraining from providing help without reasonable cause by the person who either legally or because of his capacity was obliged to provide, is considered criminal contravention and is punishable by a fine or to up to two years of imprisonment when, as its consequence, serious harm to the health, endangerment to life or death resulted.

## Article 98

### **Refraining from providing help by the captain of a ship**

Refraining from providing help by the captain of a ship to the people who are drowning in the sea or in other waters, when this help could have been provided without causing serious danger to the ship, crew and passengers, is punishable by a fine or up to four years of imprisonment.

## Article 99

## **Causing suicide**

Causing suicide or a suicide attempt by a person because of the systematic maltreatment or other systematic misbehaviors which seriously affect the dignity [of the person], committed by another person under whose material dependence or any other dependence the former person is subject, is punishable by a fine or up to five years of imprisonment.

## **SECTION VI**

### **SEXUAL OFFENCES**

#### **Article 100**

##### **Intercourse with minor girls**

Intercourse with a minor girl who has not reached the age of thirteen years, or has not reached sexual maturity, is punishable by five to fifteen years of imprisonment.

When sexual intercourse was had without consent, or serious harm to the health of the victim has been caused, it is punishable by ten to twenty years of imprisonment.

When the act has resulted into death or suicide of the girl, it is punishable by no less than twenty years of imprisonment.

#### **Article 101**

##### **Intercourse with minor girls between fourteen to eighteen**

Nonconsensual sexual intercourse with a minor girl between fourteen to eighteen years and who has reached sexual maturity is punishable by five to ten years of imprisonment.

When serious consequences result for the minor girl's health, it is punishable by ten to fifteen years of imprisonment.

When the act lead to the death or suicide of the minor girl, it is sentenced no less than fifteen years of imprisonment.

#### **Article 102**

##### **Nonconsensual sexual intercourse with mature women**

Nonconsensual sexual intercourse with mature women is punishable by three to ten years of imprisonment.

When serious consequences are caused to the health of the victim, it is punishable by five to fifteen years of imprisonment

When the act lead to the death or suicide of the victim, it is punishable by ten to twenty years of imprisonment.

#### Article 103

##### **Intercourse with handicapped persons unable to protect themselves**

Sexual intercourse with an either physically or mentally handicapped victim who has reached the age of fourteen and is sexually mature or, when it is had while the victim has lost consciousness, is punishable by five to ten years of imprisonment

When serious consequences are caused to the health of the victim, it is punishable by five to fifteen years of imprisonment.

When the act has lead to the death or suicide of the victim, it is punishable by ten to twenty years of imprisonment.

#### Article 104

##### **Intercourse under threat of gunpoint**

Sexual intercourse under threat of gunpoint is punishable by five to fifteen years of imprisonment.

#### Article 105

##### **Intercourse through abuse of office**

Sexual intercourse through abuse of office or subordinate relations is sentenced up to three years of imprisonment.

#### Article 106

##### **Incest**

Sexual intercourse had between parent and offspring, brother and sister, between other persons in direct gender<sup>21</sup> with one another, or between persons who have either custodial or adoptive relationship among themselves, is sentenced up to five years of imprisonment.

#### Article 107

##### **Intercourse in public places**

Sexual intercourse in public places or in places exposed to the sight of people constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### Article 108

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<sup>21</sup>*Gjini* in original Albanian.

## **Serious immoral acts<sup>22</sup>**

Serious immoral acts conducted with persons under the age of fourteen are punishable by up to five years of imprisonment.

## **SECTION VII**

### **CRIMINAL ACTS AGAINST PERSON'S FREEDOM**

#### **Article 109**

#### **Kidnapping**

Kidnapping or keeping as a hostage a person with the intention of enrichment or of insuring any other kind of benefit is punishable by ten to twenty years of imprisonment.

Kidnapping or keeping as a hostage a child under fourteen, the act of hiding or substituting him with another, is punishable by no less than twenty years of imprisonment or to life imprisonment or death.

#### **Article 110**

#### **Unlawful detention**

Unlawful detention of a person constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When this act has endangered the life or is accompanied with serious physical hardship, it is sentenced up to five years of imprisonment.

#### **Article 111**

#### **Hijacking planes, ships and other means**

Hijacking planes, ships and other means of transportation which carry people is punishable by ten to twenty years of imprisonment.

#### **Article 112**

#### **Breaking and entering into someone's house**

Breaking and entering into someone's house without his consent constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

Committing the act forcefully or by threat of gunpoint constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

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<sup>22</sup>*Vepra të turpshme* in the Albanian original.

## SECTION VIII

### **Criminal acts against morality and dignity**

#### Article 113

#### **Prostitution**

Prostitution is punishable by a fine or up to three years of imprisonment.

#### Article 114

#### **Exploitation of prostitution**

Soliciting prostitution, mediating or gaining from it is punishable by a fine or up to five years of imprisonment.

#### Article 114/a

#### **Exploitation of prostitution with aggravated circumstances**

When exploitation of prostitution is committed:

1. with minors;
  2. against some persons;
  3. with persons within close consanguinity, in-laws or custodial relations or by taking advantage of an official rapport;
  4. with deception, coercion, violence or by taking advantage of the physical or mental incapability of the person;
  5. against a person that has been forced or coerced to exercise prostitution out of the territory of the Republic of Albania;
  6. from criminal organizations;
- is punished from 7 up to 15 years imprisonment and with the confiscation of all means and profits.

#### Article 115

#### **Use of premises for prostitution**

Managing,<sup>23</sup> utilizing, financing, letting the premises for purposes of prostitution, is punishable by a fine or up to ten years of imprisonment.

#### Article 116

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<sup>23</sup>*Mbajtja* in the Albanian original.



### **Homosexuality**

Homosexual intercourse, when conducted forcefully, with minor people, or with persons unable to protect themselves, is sentenced up to five years of imprisonment.

#### **Article 117**

### **Pornography**

Producing, delivery, advertising, import, selling and publication of pornographic materials in minors' premises constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### **Article 118**

### **Desecration of graves**

Desecration of cemeteries, graves, exhumations, as well as theft of items found therein, as well as every other act of disrespect towards the dead, is punishable by a fine or up to five years of imprisonment.

#### **Article 119**

### **Insulting**

Intentionally insulting a person constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

When this act is committed publicly, it constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment

#### **Article 120**

### **Libel**

Intentionally spreading rumors, and any other knowingly false information, which affect the honor and dignity of the person, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

The same act, committed publicly, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### **Article 121**

### **Intruding into someone's privacy**

Fixing appliances which serve for hearing or recording words or images, the hearing, recording or airing words, fixing, taping or transmitting images, as well as their preserving for publication or the publication of the data which exposes an aspect of the private life of the person without his consent, constitutes criminal contravention and is punishable by a fine or up to two

years of imprisonment.

#### Article 122

##### **Spreading personal secrets**

Spreading a secret which belongs to someone's private life by the person who obtains that [secret] because of his duty or profession, when he is compelled to not spread it without prior authorization, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

The same act committed with the intent of embezzlement or of damaging another person, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### Article 123

##### **Halting or violation of the privacy of correspondence**

The carrying out intentionally of acts such as destruction, non-delivery, opening and reading letters or any other correspondence, as well as the interruption or placement under control, hearing any conversation through telephone, telegraph, or any other means of communication, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment

### SECTION IX

#### **CRIMINAL ACTS AGAINST CHILDREN, MARRIAGE AND FAMILY**

#### Article 124

##### **Abandonment of minor children**

Abandonment of a child under fourteen by a parent or by a person compelled to guard over him, is punishable by a fine or up to three years of imprisonment.

When serious harm to the health or death of the child has resulted, it is punishable by three up to ten years of imprisonment.

#### Article 125

##### **Denial of support**

Denial of necessary support for the living of children, parents or spouse, from the person who is obliged, through a court order, to provide, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### Article 126

##### **Denying to inform on the changing of domicile**

Denial to inform within one month on the changing of domicile to the interested person or to the law-enforcement agency, by the person who, according to the court order, is compelled to provide the necessary living support to children, parents or his/her spouse, or by the person who is taking care of children after divorce, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

#### Article 127

##### **Unlawfully taking the child**

Unlawfully taking the child by taking away from the person exercising parental authority or entrusted to raise and educate him, as well as retention of child from the other parent in breach of the court order, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

#### Article 128

##### **Replacement of children**

Replacement of children negligently committed by the staff at the place where they are raised, cured, or at the maternity hospital, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### Article 129

##### **Inducing minors to criminality**

Inducing or encouraging minors under fourteen to criminality is sentenced up to five years of imprisonment.

#### Article 130

##### **Forcing or impeding to cohabit or divorce**

Forcing or impeding to commence or continue cohabitation or forcing to divorce, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

## SECTION X

### CRIMINAL ACTS AGAINST FREEDOM OF RELIGION

#### Article 131

##### **Obstructing the activities of religious organizations**

Ban on the activity of religious organizations, or creating obstacles for the free exercise of their activities, is punishable by a fine or to up to three years of imprisonment.

#### Article 132

##### **Ruining or damaging places of worship**

Ruining or damaging places of worship, when it has inflicted the partial or total loss of their values, is punishable by a fine or up to three years of imprisonment.

#### Article 133

##### **Obstructing religious ceremonies**

Ban or creating obstacles for participating in religious ceremonies, as well as for freely expressing religious beliefs, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

## CHAPTER III

### CRIMINAL ACTS RELATED TO PROPERTY OR IN THE ECONOMIC AREA

#### SECTION I

##### **THEFT OF PROPERTY**

#### Article 134

##### **Theft**

Theft of property is punishable by a fine or up to seven years of imprisonment.

#### Article 135

##### **Theft through abuse of office**

Theft of property, committed by the person whose duty is to protect and administer it, or through abuse of office, is sentenced up to ten years of imprisonment.

#### Article 136

##### **Bank robbery<sup>24</sup>**

Bank robbery is punishable by five up to fifteen years of imprisonment.

#### Article 137

##### **Stealing electrical power or telephone lines**

Stealing electrical power or telephone lines is punishable by a fine or up to three years of imprisonment.

#### Article 138

##### **Stealing works of art or culture**

Stealing works of art or culture is punishable by a fine or up to five years of imprisonment.

Stealing works of art or culture that have national importance is punishable by five to ten years of imprisonment.

#### Article 139

##### **Robbery**

Stealing property through the use of force is punishable by five to fifteen years of imprisonment.

#### Article 140

##### **Robbery with the use of weapons**

Robbery committed by using a weapon is punishable by ten to twenty years of imprisonment

#### Article 141

##### **Theft resulting in death**

Theft of property, when accompanied with such actions<sup>25</sup> as resulting in the death of the person, is punishable by fifteen to twenty years of imprisonment, or to life imprisonment or death.

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<sup>24</sup>*Vjedhja e bankave dhe e arkave të kursimit* in the Albanian original.

<sup>25</sup> *Dhunime* in the Albanian original.

## Article 142

### **Providing equipment for theft**

Providing the conditions and material equipment for theft is punishable by a fine or up to three years of imprisonment.

## SECTION II

### **FRAUD**

## Article 143

### **Deception**

Stealing property through lies or abuse of trust is punishable by a fine or up to five years of imprisonment.

## Article 144

### **Fraud on subsidies**

Fraud on documents presented, thus fraudulently obtaining subsidies [or other benefits] from the state, is punishable by a fine or up to four years of imprisonment.

## Article 145

### **Fraud on insurance**

Presenting false circumstances [or false information] related to the object to be insured, or fabricating false circumstances and presenting them into documents thus fraudulently obtaining insurance [or its proceeds], is punishable by a fine or up to five years of imprisonment.

## Article 146

### **Fraud on credit**

Fraud on presented documents, thus fraudulently obtaining credit through fictitious registration in property registration offices<sup>26</sup> of objects which do not exist, or [which are] over estimated, or which belong to somebody else's property, committed with the intent of not paying back the credit, is punishable by a fine or up to seven years of imprisonment.

## Article 147

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<sup>26</sup>*Hipotekë* in the Albanian original.

### **Fraud on works of art and culture**

Steal of property through fraud by presenting a work of art or culture as being original or by an author other than the real one, is punishable by a fine or up to three years of imprisonment.

#### **Article 148**

### **Publication of another person's work with own name**

Publication or use partially or totally with his own name of a work of literature, music, art or science which belongs to another, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### **Article 149**

### **Unlawful reproduction of the work of another**

Total or partial reproduction of a work of literature, music, art or science which belongs to another, or if their use is conducted without the author's consent, when his personal and property rights are violated, constitutes criminal contravention and is punishable by a fine.

## **SECTION III**

### **DESTROYING PROPERTY**

#### **Article 150**

### **Destroying property**

Intentionally destroying or damaging the property, when material consequences are serious, is punishable by a fine or up to three years of imprisonment.

#### **Article 151**

### **Destroying property by fire**

Intentionally destroying or damaging property by fire is punishable by a fine or up to five years of imprisonment.

When the criminal act has led to serious material consequences, it is sentenced up to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by five to fifteen years of imprisonment.

#### **Article 152**

### **Destroying property by explosives**

Intentionally destroying or damaging property by explosives is punishable by a fine or up to five years of imprisonment.

When the criminal act has led to serious material consequences, it is punishable by five to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by ten to twenty years of imprisonment.

#### Article 153

##### **Destroying property by flooding**

Intentionally destroying or damaging property by flooding is punishable by a fine or up to five years of imprisonment.

When the criminal act has led to serious material consequences, it is punishable by five to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by five to fifteen years of imprisonment.

#### Article 154

##### **Destroying property with other means**

Intentionally destroying or damaging property with other means, which constitute danger to the environment and the health of people, is punishable by a fine or to up to five years of imprisonment.

When the criminal act has led to serious material consequences, it is punishable by five to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by five to fifteen years of imprisonment.

#### Article 155

##### **Destroying roads**

Intentionally destroying or damaging automobile roads, railways and works related to them, is punishable by a fine or up to seven years of imprisonment.

When the criminal act has led to serious material consequences, it is punishable by three to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by five to fifteen years of imprisonment.



## Article 156

### **Destroying power network**

Intentionally destroying or damaging power, telegraphic, telephonic, radio television network or any other communication network, is punishable by a fine or up to three years of imprisonment.

## Article 157

### **Destroying the watering system**

Intentionally destroying or damaging the watering or draining systems or the works related to them, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## Article 158

[No title in original]

Unfair management of water, by turning or changing the waterlines, by opening the dams, by constructing or closing draining or watering channels, waterlines or other works, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## Article 159

### **Destroying water-supply system**

Intentionally destroying or damaging the water-supply system is punishable by a fine or up to three years of imprisonment.

Connecting, or any other intervention into the water supply system conducted without prior permission, in order to get drinking water, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## Article 160

### **Destroying works of culture**

Intentionally destroying or damaging works of culture is punishable by a fine or up to three years of imprisonment.

When the criminal act has resulted into the destruction or damaging of works of culture of national importance, it is punishable by a fine or up to eight years of imprisonment.

## Article 161

### **Destruction of property due to negligence**

Destruction or damaging of property due to negligence, when serious material consequences have resulted, is punishable by a fine or up to three years of imprisonment.

## Article 162

### **Colliding means of public transportation**

Colliding trains, ships, airplanes, being due to negligence, when crashing, burning, sinking, overturning, derailment, or serious material consequences accompanying the event have resulted, is punishable by a fine or up to five years of imprisonment

## SECTION IV

### **CRIMINAL ACTS COMMITTED IN CORPORATIONS**

## Article 163

### **Drafting false statements**

Drafting false statements, about the increase of capital of a company, related to the distribution of shares of initial capital to the shareholders [or] its repayment<sup>27</sup> or the deposit of funds, constitutes criminal contravention and is punishable by a fine.

## Article 164

### **Abuse of powers**

Abuse of powers by members of the executive board or by managers of the company with the intent of embezzlement or favoring another company where they have interests, is punishable by a fine or up to five years of imprisonment.

## Article 165

### **Falsifying signatures**

Falsifying signatures and deposits, or false statement of deposits of the company's funds, or publication of signatures and deposits of fictitious people, or assessing the contribution in kind to a bigger value than the factual one, is punishable by a fine or up to five years of imprisonment.

## Article 166

### **Irregularly issuing shares**

Irregularly issuing shares before registration of the company, or when registration is made illegally, or when the documents of the company have not yet been [formally] completed, or when the statute of the company after its increase of capital has not been changed or has not been registered or has been drafted unlawfully, constitutes criminal contravention and is punishable by

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<sup>27</sup>*Shlyerje* in the Albanian original.

a fine or up to three years of imprisonment.

#### Article 167

##### **Unfairly holding two capacities at the same time**

Simultaneously holding the capacities of shareholder and certified accountant constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

#### Article 168

##### **Giving false information**

Giving false information on the situation of a society by the certified accountant of a corporation, or non-reporting<sup>28</sup> to the competent agency on an offence committed, when cases of exclusion from criminal responsibility provided in Article 300 of this Code do not exist, is punishable by a fine or up to five years of imprisonment.

#### Article 169

##### **Revealing secrets of a company**

Revealing the secrets of a company by its certified accountant, except in the case when he is compelled to do so by law, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### Article 170

##### **Refusing to write mandatory notes<sup>29</sup>**

Refusing to write mandatory notes by the manager or the liquidator of the company constitutes criminal contravention and is punishable by a fine.

#### Article 170/a

##### **Illegal employment**

Employment without registration with the competent authorities or without guaranteeing employee's insurance according the regulations, when an administrative measure has been rendered first is sentenced with a fine up to 10 thousand lekë for any case or with imprisonment of up to 1 year.

Deliberate omission or camouflage of the infringements connected with the employment or the social security from people obliged with the application and the control of the relevant

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<sup>28</sup>*Moskallëzimi* in the Albanian original.

<sup>29</sup>*Shënime të detyrueshme* in the Albanian original.

dispositions is punished with a fine of up to 100 thousand lekë or imprisonment of up to 2 years.

## SECTION V

### OFFENCES IN THE FIELD OF CUSTOMS

#### Article 171

##### **Smuggling unauthorized goods**

Unlawful importing, exporting or transiting unauthorized goods entering or leaving the Republic of Albania, committed through any means or ways, is sentenced up to ten years of imprisonment.

#### Article 172

##### **Smuggling goods to which excise duty is applied**

Importing, exporting or transiting goods to which excise duty is applied, by passing them through places out of the custom stations, their partial or total concealment, inaccurate declaration to customs, false declaration of the kind, sort, quality, price, destination of goods or other forms aimed at avoiding custom duties, are punishable by a fine or up to seven years of imprisonment.

#### Article 173

##### **Smuggling goods requiring license**

Importing, exporting or transiting goods which require a license from the competent authority by passing them through places out of the custom stations, their partial or total concealment, inaccurate declaration to the customs, false declaration of the kind, sort, quality, price, destination of goods or other forms aimed at avoiding custom duties, are punishable by a fine or up to five years of imprisonment.

#### Article 174

##### **Smuggling other goods**

Importing, exporting or transiting goods by passing them through places out of the custom stations, their partial or total concealment, inaccurate declaration to the customs, false declaration of the kind, sort, quality, price, destination of goods or other forms aimed at avoiding custom duties, are punishable by a fine or up to five years of imprisonment.

#### Article 175

##### **Smuggling carried out by custom officials**

Smuggling carried out by custom officials, or by other employees having a work relationship with the activity of customs, is punishable by three to ten years of imprisonment.

Article 176

### **Smuggling [goods with] cultural value**

Importing, exporting or transiting [goods with] national cultural value carried out against the legal provisions related to them, is sentenced up to ten years of imprisonment.

Article 177

### **Smuggling goods holding intermediate status<sup>30</sup>**

Importing, exporting or transiting goods which are declared as having an intermediate status with the intent of avoiding the custom duties, is punishable by a fine or up to five years of imprisonment.

Article 178

### **Hiding or replacement of the child**

Trading or alienation of goods, which are known to be smuggled, is punishable by a fine or up to five years of imprisonment.

Article 179

### **Storing smuggled goods**

Storing, accumulating, keeping or processing goods, which are known to be smuggled, is punishable by a fine or up to three years of imprisonment.

## **SECTION VI**

## **CRIMINAL ACTS RELATED TO TAXATION**

Article 180

### **Concealment of income**

Concealment or false statement of income or other objects which are subject to taxation, in cases when other administrative sanctions have been previously taken, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

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<sup>30</sup>*Kontrabanda me mallra me regjim të ndërmjetëm* in the Albanian original.

## Article 181

### **Non payment of taxes**

Non payment of taxes [and tariffs] within the time required by law by the person against whom administrative sanctions were previously taken for the same reason, although their payment was possible by the person, is punishable by a fine or up to three years of imprisonment.

## Article 181/a

### **Non completion of duties from tax authorities**

Non completion of the duties related with collecting of the taxes and tariffs within the defined legal term from the employees of the tax organs and other official persons assigned with these duties, when it is done because of their fault and has brought a damage to the state with a value of less than 1 million lekë, is punished by fine of up to 2 million lekë;

when the value is higher than 1 million lekë it is punished by 3 to up to 10 years imprisonment.

## Article 182

### **Modification of measurement devices**

Modification or any other intervention in measurement devices and counters, or utilizing altered measurement devices and counters, or allowing the use by others of irregular measurement devices and counters, with the intent of avoiding the full payment of taxes [and tariffs], constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## SECTION VII

### **FALSIFYING CURRENCY OR MONEY ORDERS**

## Article 183

### **Falsifying currency**

Falsifying or circulating falsified currency is punishable by five to fifteen years of imprisonment.

## Article 184

### **Falsifying negotiable instruments**

Falsifying or circulating checks, bills of exchange, credit cards, traveler's checks, or other forged financial instruments, is punishable by three to ten years of imprisonment.

## Article 185

### **Producing instruments for forgery**

Producing or keeping equipment for falsifying currency, checks, bills of exchange, credit cards, traveler's checks or other financial documents, is punishable by a fine or from one to three years of imprisonment.

## SECTION VIII

### **FALSIFYING DOCUMENTS**

## Article 186

### **Falsifying documents**

Falsifying or use of falsified documents is punishable by a fine or up to three years of imprisonment.

When the person having the capacity to issue the document makes the falsification, it is sentenced up to seven years of imprisonment.

## Article 187

### **Falsifying school documents**

Falsifying or use of falsified school documents is punishable by a fine or up to three years of imprisonment.

When the person having the capacity to issue the document makes the falsification, it is punishable by a fine or up to five years of imprisonment.

## Article 188

### **Falsifying health-related documents**

Falsifying or use of falsified health-related documents is punishable by a fine or up to three years of imprisonment.

When the person having the capacity to issue the document makes the falsification, it is punishable by a fine or up to five years of imprisonment.

## Article 189

### **Falsifying identity cards or visas**

Falsifying or use of falsified identity cards, passports or visas is punishable by a fine or up to five years of imprisonment.

When the person having the capacity to issue the identity card or passport makes the falsification, it is punishable by three to seven years of imprisonment

## Article 190

### **Falsifying seals, labels or application forms**

Falsifying or use of falsified seals, labels,<sup>31</sup> or application forms, or providing false information on the latter submitted to state organs, is punishable by a fine or up to five years of imprisonment.

When the falsification is made by the person having the capacity to prepare<sup>32</sup> them, it is punishable by three to seven years of imprisonment.

## Article 191

### **Falsifying acts of civil records**

Falsifying or use of falsified civil records is punishable by a fine or up to three years of imprisonment.

When the person having the capacity to issue the record commits the falsification, it is sentenced up to five years of imprisonment.

## Article 192

### **Production of devices to falsify documents**

Production of, or conserving, devices to falsify documents constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## SECTION IX

### **CRIMINAL ACTS IN THE AREA OF BANKRUPTCY**

## Article 193

### **Provoked bankruptcy**

Intentionally provoking bankruptcy by a juridical person is punishable by a fine or up to three years of imprisonment.

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<sup>31</sup>*Stampa* in the Albanian original.

<sup>32</sup>*Përpiloj* in the Albanian original.



## Article 194

### **Concealment of bankruptcy status**

Entering into an economic commercial relationship with a third party by a juridical person with the intent of concealing bankruptcy status is punishable by a fine or up to five years of imprisonment.

## Article 195

### **Concealment of assets after bankruptcy**

Concealment of assets by a juridical person upon the act of bankruptcy with the intent of avoiding its consequences, is punishable by a fine or up to seven years of imprisonment.

## Article 196

### **Failure to comply with obligations**

Failure by a juridical person to comply with its obligations arising under bankruptcy constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## SECTION X

### **UNLAWFUL LOTTERIES AND GAMBLING**

## Article 197

### **Organizing unlawful lotteries**

Organizing lotteries or gambling in breach of legal provisions constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

## Article 198

### **Providing the premises for unlawful gambling**

Providing the premises for organizing or playing a lottery or gambling in breach of the legal provisions constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

## SECTION XI

### **CRIMINAL ACTS WHICH VIOLATE THE LEGAL STATUS OF LAND**

## Article 199

### **Misuse of land**

Misuse of land in violation of its designated purpose constitutes criminal contravention and is punishable by a fine or to up six months of imprisonment.

#### Article 200

### **Unlawfully taking land**

Unlawfully taking land constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## CHAPTER IV

### **CRIMINAL ACTS AGAINST ENVIRONMENT**

#### Article 201

### **Polluting the air**

Polluting the air through the emission of smoke, gasses and other toxic radioactive substances, when it increases the normal limit allowed, and when the act does not constitute administrative contravention, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

The same act, when it has caused serious consequences to the life and health of people, is sentenced up to ten years of imprisonment.

#### Article 202

### **Transporting toxic waste**

Transporting toxic and radioactive waste transit into the Albanian territory or their depositing therein is punishable by one to five years of imprisonment.

The same act, when it has caused serious consequences to the life and health of people, is punishable by five to fifteen years of imprisonment.

#### Article 203

### **Polluting the water**

Polluting the waters of the seas, rivers, lakes or the springs of the water supply system with waste either toxic or radioactive or other substances, which break the ecological balance, is sentenced up to five years of imprisonment.

The same act, when has caused serious consequences to the life and health of people, is punishable by five to fifteen years of imprisonment.

## Article 204

### **Prohibited fishing**

Fishing undertaken at a prohibited time, place or method constitutes criminal contravention and is punishable by a fine or to up three months of imprisonment.

Fishing undertaken through means of public danger like explosives, poisonous substances, etc, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## Article 205

### **Unlawfully cutting forests**

Cutting or damaging forests without authorization or when it is undertaken at a prohibited time or place, when the act does not constitute administrative contravention, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

## Article 206

### **Cutting decoration and fruit trees**

Cutting decoration trees and damaging gardens and parks in the cities constitutes criminal contravention and is punishable by a fine.

Cutting trees in fruit or olive plantations and vineyards, after [the application] for cutting permit has been previously refused by the competent authority, constitutes criminal contravention and is sentenced up to three months of imprisonment.

## Article 207

### **Breach of quarantine for plants and animals**

Breach of rules of quarantine for plants or animals, when it has led to serious consequences which are either material or which bring serious danger to the life and health of people, constitutes criminal contravention and is punishable by a fine.

## CHAPTER V

### **OFFENCES AGAINST INDEPENDENCE AND CONSTITUTIONAL ORDER**

#### SECTION I

### **OFFENCES AGAINST INDEPENDENCE AND INTEGRITY**

## Article 208

### **Transferring territory**

The total or partial transfer of territory to foreign state or power, with the intent of violating the independence and integrity of the country, is punishable by no less than fifteen years of imprisonment or to life imprisonment or to death.

#### Article 209

### **Surrendering the army**

[The act of] total or partial surrendering of the army or handing over defense materials or supplying weapons and ammunition to a foreign state or power, with the intent of violating the independence and integrity of the country, is punishable by no less than fifteen years of imprisonment or to life imprisonment or death.

#### Article 210

### **Agreement for transferring territory**

Agreement with foreign powers or states for the total or partial transferring of territory or handing over of the army and defense materials, with the intent of violating the integrity of the country, is punishable by five to ten years of imprisonment.

#### Article 211

### **Provocation of war**

Committing acts with the intent to provoke a war or make the Republic of Albania face the danger of a [military] intervention by foreign powers, is punishable by no less than fifteen years of imprisonment.

#### Article 212

### **Agreement for armed intervention**

Agreements settled with foreign powers or states to cause armed intervention against the territory of the Republic of Albania, is punishable by ten to fifteen years of imprisonment.

#### Article 213

### **Handing over classified information**

Handing over classified information of military or other character to a foreign power with the intent of encroaching on the independence of the country, is punishable by ten to twenty years of imprisonment.

#### Article 214

### **Providing information**

Providing classified information of military or other character, with the intention to hand over to foreign power in order to encroach the independence of the country, is punishable by three to ten years of imprisonment.

#### Article 215

##### **Damaging defense objects**

Destroying or damaging means, equipment, appliances, weapons, military technique or objects for military defense, with the intent of reducing the country's defensive capacity, is punishable by five to fifteen years of imprisonment.

#### Article 216

##### **Providing means for destroying military technique**

Production or keeping means for destroying or damaging equipment, appliances, weapons, means of military technique or objects for military defense, with the intent of reducing the country's defense capacity, is sentenced up to ten years of imprisonment.

#### Article 217

##### **Getting paid [from foreign states]**

Getting paid or the agreement to get paid or to receive other material benefits, in order to commit in favor of foreign states or powers one of the crimes provided for in this section, is punishable by five to ten years of imprisonment.

#### Article 218

##### **Placing oneself in the service of foreign states**

Placing an Albanian citizen in the service of a foreign state or power, with the intent of committing acts against the independence and integrity of the Republic of Albania, is punishable by three to ten years of imprisonment.

## SECTION II

### **OFFENCES AGAINST CONSTITUTIONAL ORDER**

#### Article 219

##### **Assassination**

Assassination, kidnapping, torturing or other acts of violence [committed] against the highest representatives of the state, with the intent of overturning constitutional order, is

punishable by no less than fifteen years of imprisonment or to life imprisonment or death.

#### Article 220

##### **Conspiracy**

Decision-making and creating material conditions by a group of people to commit an assassination is punishable by five to fifteen years of imprisonment.

#### Article 221

##### **Uprising**

Participating in violent massive actions such as placing obstacles and barricades to stop the police, [conducting] armed resistance against them or disarming them, [undertaking] forcible occupation of buildings, looting, gathering or placing under [one's] disposal weapons, ammunition and people, facilitating the uprisers' activity, committed with the intent of overturning constitutional order, are punishable by fifteen to twenty five years of imprisonment.

Participation in the above-mentioned activities with the capacity of a leader or an organizer is punishable by life imprisonment or death.

#### Article 222

##### **Calls for taking on the arms or unlawful taking-over of the command**

Calls for taking up arms against constitutional order, creating or organizing the armed forces in violation to the law, unlawful taking-over of the command of the armed forces in order to conduct military actions with the intent of opposing constitutional order, are punishable by five to ten years of imprisonment.

#### Article 223

##### **Public calls for violence**

Public calls to commit violent acts against the constitutional order, are punishable by a fine or up to three years of imprisonment.

#### Article 224

##### **Founding unconstitutional parties or associations**

Founding of or participating in parties, organizations or associations which intend to violently overturn the constitutional order is punishable by a fine or up to three years of imprisonment.

Re-founding a party, organization or association that was previously banned as unconstitutional or the continuation of their activity in an open or covert way, is punishable by one to five years of imprisonment.

## Article 225

### **Distributing unconstitutional writings**

Distribution of writings or use of symbols belonging to an unconstitutional party, organization or associations or to one previously banned on the same grounds, is punishable by a fine or up to three years of imprisonment.

Distributing or infiltrating materials, writings or symbols into the Republic of Albania from abroad, with the intent to overturn the constitutional order or affect the territorial integrity of the country, is punishable by a fine or up to three years of imprisonment.

## CHAPTER VI

### **OFFENCES ENCROACHING RELATIONS WITH OTHER STATES**

## Article 226

### **Violent acts against representatives of foreign states**

Committing violent acts against prime ministers, cabinet members, parliamentarians of foreign states, diplomatic representatives, or [representatives] of recognized international bodies who are officially in the Republic of Albania, is sentenced up to ten years of imprisonment.

## Article 227

### **Insulting representatives of foreign countries**

Insulting prime ministers, cabinet members, parliamentarians of foreign states, diplomatic representatives, or [representatives] of recognized international bodies who are officially in the Republic of Albania, is sentenced up to a fine or up to three years of imprisonment.

## Article 228

### **Violent acts against working-places of foreign representatives**

Committing violent acts against work-places, residences, means of transportation of representatives of foreign states and recognized international bodies constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When the act has resulted in serious material consequences or in complications in the bilateral relations, it is sentenced up to ten years of imprisonment.

## Article 229

### **Insulting acts against the anthem and flag**

Using words or committing acts which publicly insult the flag, emblem, anthem of

foreign states and recognized international bodies, as well as taking away, breaking, irreparably damaging the flag, [or] emblem, which are displayed in official institutions, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

## CHAPTER VII

### TERRORIST ACTS

#### Article 230

##### **Terrorist acts**

Committing violent acts against the life, health of people, personal freedom through kidnapping of people or hijacking public transportation, with the intent to seriously disturb public order<sup>33</sup> and instilling fear and uncertainty in the public is punishable by no less than fifteen years of imprisonment or to life imprisonment or death.

#### Article 231

##### **Violent acts against property**

Committing violent acts against property through stealing, massive damaging or destroying, with the intent of seriously disturbing public order and instilling fear and uncertainty to the public, is punishable by no less than fifteen years of imprisonment.

#### Article 232

##### **Delivering dangerous substances**

Delivery in the air, land or water of substances that constitute a danger to the life and health of people and animals, with the intent of seriously disturbing public order and instilling uncertainty in the public, is punishable by ten to twenty years of imprisonment.

#### Article 233

##### **Creating armed gangs**

Creating armed gangs to oppose public order through violent acts against the life, health, personal freedom of the individual, property, with the intent of instilling fear and uncertainty in the public, is sentenced up to ten years of imprisonment.

#### Article 234

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<sup>33</sup>*Rend publik* in the Albanian original.



### **Producing military weapons**

Producing, storing, transporting of military, chemical, biological, nuclear weapons which have a poisonous or explosive base, with the intent of committing acts of terrorism<sup>34</sup>, is punishable by five to fifteen years of imprisonment.

## **CHAPTER VIII**

### **CRIMES AGAINST THE STATE AUTHORITY**

#### **SECTION I**

#### **CRIMINAL ACTS AGAINST STATE ACTIVITY COMMITTED BY [ALBANIAN] CITIZENS**

##### **Article 235**

#### **Opposing the public official<sup>35</sup>**

Opposing an official on state duty or public service, with the intent of hindering his fulfillment of his duty or service in compliance with law, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

When the same act is committed through physical violence, it is punishable by a fine or up to five years of imprisonment.

##### **Article 236**

#### **Opposing the official of the public order police**

Opposing the official of the public order police with the intent of hindering his fulfillment of duty in compliance with law, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When the same act is committed through physical violence, it is punishable by two to seven years of imprisonment.

##### **Article 237**

#### **Assault [to an official] on duty**

Assault or other violent acts committed toward an official acting in the execution of a

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<sup>34</sup>*Vepra terrori* in the Albanian original.

<sup>35</sup>*Kundershtimi i punonjesit qe kryen nje detyre shteterore ose nje sherbim publik* in the Albanian original.

state duty or public service, because of his state activity or service, are punishable by a fine or up to three years of imprisonment.

#### Article 238

##### **Threatening [a public official] on duty**

Serious threat of assassination or critical injury toward an official acting in the execution of a state duty or public service, because of his state activity or service, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### Article 239

##### **Insulting [a public official] on duty**

Insulting intentionally an official acting in the execution of a state duty or public service, because of his state activity or service, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

When the same act is committed publicly, it constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### Article 240

##### **Defamation [toward a public official] on duty**

Intentional defamation committed toward an official acting in the execution of a state duty or public service, because of his state activity or service, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When the same act is committed publicly, it constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### Article 241

##### **Defamation toward the President of the Republic**

Intentional defamation committed toward the President of the Republic is punishable by a fine or up to three years of imprisonment.

#### Article 242

##### **Disobeying orders of the official of public order police**

Disobeying the lawful orders of the official of public order police constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

## Article 243

### **Assaulting family members of a person acting in exercise of his state duty**

Assault or other violent acts committed toward the family member of a person acting in the exercise of his state duty or public service, with the intent of preventing the fulfillment of the duty or service, or which is related to this activity, is punishable by a fine or up to five years of imprisonment.

## Article 244

### **Proposals for remuneration made to officials holding a public office**

The proposal for remuneration, gifts or other benefits made to an official holding a state duty or public service, if the latter undertakes to act or refrains from acting on an action connected to his duty or service, or to use his influence toward other authorities in order to insure favors, courtesies and any other benefits, is punishable by a fine or up to three years of imprisonment.

## Article 245

### **Remuneration given to officials holding a public office**

Remunerating or awarding other benefits to an official holding a state duty or public service to have him act or refrain from acting on an action connected to his duty or service, or to use his influence toward other authorities in order to insure favors, courtesies and any other benefits, is punishable by a fine or up to five years of imprisonment.

## Article 246

### **Appropriating a public title or office**

Appropriating a public title or office accompanied with the actions pertinent to the holder of the title or office, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

If the act is committed for embezzlement purposes or has encroached the freedom, dignity or other fundamental rights of the citizen, it is punishable by a fine or up to five years of imprisonment.

## Article 247

### **Unlawfully wearing a uniform**

Unlawfully wearing a uniform, holding a document or a distinctive sign, which shows the capacity of an official working in a state duty or public service, accompanied with illegal acts, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

If the act is committed for embezzlement purposes or has encroached the freedom, dignity or other fundamental rights of the citizen, it is punishable by a fine or up to five years of imprisonment.

## SECTION II

### **CRIMINAL ACTS AGAINST THE ACTIVITY OF THE STATE COMMITTED BY PUBLIC OFFICIALS**

#### Article 248

##### **Abuse of office**

Committing acts which aim at hindering a person who holds a state function to apply the law, when those acts have caused serious consequences to the citizens or state's interest, is punishable by a fine or up to seven years of imprisonment.

#### Article 249

##### **Acting in a capacity after its termination**

Continuing to act in a capacity in either the state administration or public service by a person who has been informed of a decision or circumstance terminating its exercise, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### Article 250

##### **Committing arbitrary acts**

Committing acts or giving orders which are arbitrary, by an official acting in a state function or public service while exercising his duty, which affect the freedom of citizens, is punishable by a fine or up to seven years of imprisonment.

#### Article 251

##### **Refusing to take measures to stop unlawful situation**

Refusing to take measures, or refusing to a request from a competent person to stop an unlawful situation resulting from an arbitrary act, which has affected the freedom of citizens, by the person in charge of a state function or public service, who learns of the situation because of the function or service, is punishable by a fine or up to three years of imprisonment.

#### Article 252

##### **Illegal detention**

Detaining in prison without a decision of the competent body or beyond the term determined in the decision or by law, committed by a person holding the office of prison administrator, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## Article 253

### **Denying equality of the citizens**

Discrimination by a worker holding a state function or public service conducted because of his capacity or during its exercise, when the discrimination is based upon origin, sex, health situation, religious or political beliefs, trade-union activity or because of belonging to a particular ethnic group, nation, race or religion, which consists in creating unfair privileges or in refusing a right or benefit deriving from law, is punishable by a fine or up to five years of imprisonment.

## Article 254

### **Infringing the inviolability of residence**

Entering into premises without the consent of a person living therein, committed by a person holding a state function or public service during the exercise of his duty, except the cases when it is permitted by law, is punishable by a fine or up to five years of imprisonment.

## Article 255

### **Hindering and violating the secrecy of correspondence**

Giving orders or committing actions for destroying, reading and disseminating postal correspondence, or which breaks, makes it more difficult, puts under control or eavesdrops phone correspondence or any other means of communication, committed by a person holding a state function or public service during the exercise of his duty, except the cases when it is permitted by law, is punishable by a fine or up to three years of imprisonment.

## Article 256

### **Misusing state contributions**

Misusing contributions, subsidies or financing given by the state or state institutions to be used in works and activities of public interest, is punishable by a fine or up to three years of imprisonment.

## Article 257

### **Illegal benefiting from interests**

Direct or indirect holding, retaining or benefiting from any sort of interest by a person holding state functions or public service in an enterprise or operation in which, at the time of conducting the act, he was holding the capacity of supervisor, administrator or liquidator, is punishable by a fine or up to four years of imprisonment.

## Article 258

### **Breaching the equality of participants in public bids or auctions**

Committing actions in breach of the laws which regulate the freedom of participants and the equality of citizens in bids and public auctions, by a person holding state functions or public service in order to create illegal advantage or benefits for third parties, is punishable by a fine or up to three years of imprisonment.

## Article 259

### **Asking for kickbacks**

A person holding state functions or public service who asks for or demands remuneration to which he is not entitled or which exceeds the amount allowable by law, is punishable by a fine or up to seven years of imprisonment.

## Article 260

### **Receiving a bribe**

Receiving remuneration, gifts or other benefits by a person holding state functions or public service and during their exercise, in order to carry out or to avoid carrying out an act related to the function or service, or to exercise his influence toward different authorities in order to provide to any person favors, gratuities, jobs and other benefits, is punishable by three to ten years of imprisonment.

## SECTION III

### **CRIMINAL ACTS AGAINST PUBLIC ORDER AND SECURITY**

## Article 261

### **Preventing the exercise of freedom of speech and assembly**

Committing acts that prevent citizens from exercising the right of free speech or assembly constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

When those acts are accompanied with use of physical violence, they are punishable by a fine or up to three years of imprisonment.

## Article 262

### **Organizing or participating in illegal assembly**

Organizing the assembly of people in squares and places of public passage, without prior

permission by the competent authority according to the specific provisions<sup>36</sup> or when organizers breach the conditions provided in the request for permission, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

Participating in an unlawful assembly after a warning has been made to disperse [it], constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

#### Article 263

##### **Organizing illegal assembly with participation by armed people**

Organizing illegal assembly with participation by armed people is punishable by a fine or up to three years of imprisonment.

Participation in illegal assembly of armed people constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### Article 264

##### **Forcing to strike or not to strike**

Forcing an employee to strike or not to strike against his will or creating obstacles and problems for continuing his job when the employee wishes to work, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

#### Article 265

##### **Inciting national, racial or religious hatred or conflict**

Inciting national, racial or religious hatred or conflict as well as preparing, propagating, or keeping with the intent of propagating, of writings with that content, is punishable by a fine or to up ten years of imprisonment.

#### Article 266

##### **Calls for national hatred**

Endangering public peace by calling for national hatred against other parts of the population, by insulting or defaming them, or by requesting the use of force or arbitrary actions against them, is punishable by a fine or up to five years of imprisonment.

#### Article 267

##### **Propagating false information for panic**

Propagating false information or news, in words, in writing, or in any other way, in order

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<sup>36</sup>*Dispozitave të veçanta* according to the Albanian original.

to incite a state of insecurity or panic in people, is punishable by a fine or up to five years of imprisonment.

#### Article 268

##### **Defamation of the Republic and her symbols**

Defamation, made publicly or through publications or distribution of writings, of the Republic of Albania and [her] constitutional order, flag, emblem, anthem, martyrs of the nation or abolishing,<sup>37</sup> damaging, destroying, making indistinct or unusable the flag or emblem of the Republic of Albania exposed by official institutions, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### Article 269

##### **Forcible obstruction of the activity of political parties**

Forcible obstruction of the lawful activity of political parties, organizations or associations constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### Article 270

##### **Prisoner's rebellion**

Use of force by prisoners against an official holding a state duty or public service, which is made in order to prevent the exercise of the duty or service or because of the activity, is punishable by a fine or up to five years of imprisonment.

When use of force is conducted by a group of persons or is accompanied with riots and disorders or threats and intimidation, it is punishable by a fine or up to ten years of imprisonment.

#### Article 271

##### **Providing false information to emergency units**

Intentionally providing false information to emergency units [with intent to] hinder their effectiveness<sup>38</sup>, committed by means of any information or communication<sup>39</sup>, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

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<sup>37</sup>*Heqja* in the Albanian original.

<sup>38</sup>*Gadishmëri* in the Albanian original.

<sup>39</sup>*Mjet lajmërimi e thirrjeje* in the Albanian original.



## Article 272

### **False information**

Providing false information to the police about the commission of a criminal act, with the intent of placing them into a state of promptness or alarm, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment

## Article 273

### **Leaving the scene of an accident**

Leaving the scene of an accident by a driver of a vehicle or of any other motorized transport, in order to avoid criminal, civil or administrative responsibility, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

## Article 274

### **Breach of public peace**

Throwing stones or other items into the premises of a citizen, creating disturbing noises such as gunshots or other blasts, using sirens on vehicles irregularly, or doing any other indecent behavior in streets, squares and public places, which clearly affect peace and morality or show a clear indifference for the environment, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## Article 275

### **Wrongful intentional<sup>40</sup> use of telephone calls**

Wrongful intentional use of telephone calls made to breach a third party's peace and quiet enjoyment constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

## Article 276

### **Unlawful use of the Red Cross emblem**

Unlawful use of the emblem of the Red Cross or the Red Crescent, when it has caused serious material consequences, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

When the criminal act has led to death or serious harm to the health of an individual, it is punishable by a fine or up to ten years of imprisonment.

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<sup>40</sup>*Keqdashje* in the Albanian original.

## Article 277

### **Self-made justice**

The exercise of a purported right by a person who retains it or who thinks he does but it is not recognized by another person, without addressing the appropriate state competent body, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

## Article 278

### **Illegal manufacturing and keeping military weapons and ammunition**

Manufacturing military weapons or ammunition, bombs, mines, or explosive materials without the permission of competent state bodies, is punishable by five to ten years of imprisonment.

Holding, buying or selling weapons, bombs, mines or explosive materials without the authorization of state competent bodies, is punishable by a fine or up to seven years of imprisonment.

Holding bullets of light military weapons without the authorization of state competent bodies, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

## Article 279

### **Illegally manufacturing and keeping weapons with blades<sup>41</sup>**

Manufacturing, keeping, buying or selling weapons with blades, such as swords, bayonets, knives and other means prepared and intended specifically for assaulting people or for self-defense, without the authorization of state competent bodies, is punishable by a fine or up to five years of imprisonment.

## Article 280

### **Illegally manufacturing and keeping hunting and sporting rifles**

Manufacturing, keeping, buying or selling hunting or sporting rifles, as well as their ammunition, without the authorization of state competent bodies, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## Article 281

### **Breach of rules on poisonous substances**

Breaching prescribed rules for keeping, manufacturing, using, storing, transporting or

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<sup>41</sup>*Armë të ftohta* in the Albanian original.

selling poisonous substances with strong effect, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

When the criminal act has led to death, serious harm to the health of people or other serious material consequences, it is punishable by a fine or up to ten years of imprisonment.

#### Article 282

##### **Breach of rules on explosive, flammable or radioactive substances**

Breach of prescribed rules for keeping, manufacturing, use, storing, transporting and sale of explosive, firing or radioactive substances, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

When the criminal act has led to death or has caused serious harm to the health of people or other serious material consequences have resulted, is punishable by a fine or up to ten years of imprisonment.

#### Article 283

##### **Manufacturing and selling narcotics**

Manufacturing, blending, preparing, distributing, keeping, offering for sale, selling, delivering by any means, transporting any sort of narcotic drug or psychotropic substance in breach of the law<sup>42</sup>, is punishable by a fine or from five to fifteen years of imprisonment.

Organizing, managing or financing this activity is punishable by ten to twenty years of imprisonment.

#### Article 283/a

##### **Traffic of narcotics**

Creation by the persons, who as an outcome of their duties have the administration of such substances, of the facilities to take or use narcotics in contravention with the relevant legal dispositions is punishable by up to 10 years imprisonment.

#### Article 284

##### **Cultivating narcotic plants**

Cultivating plants or trading seeds which, serve to produce narcotic plants or psychotropic substances without permission, is punishable by three to ten years of imprisonment.

Organizing, managing or financing this activity is punishable by five to ten years of imprisonment.

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<sup>42</sup>*Dispozitat ligjore* in the Albanian original.

## Article 284/a

### **Organizing and leading criminal organizations**

Organizing, leading and financing criminal organizations with the goal of cultivating, producing, fabricating or illegal trafficking of the narcotics is punishable by imprisonment of 10 up to 20 years.

Creation of conditions or facilities for such activities by persons with state functions is punishable by imprisonment from 5 to 15 years.

## Article 284/b

### **Supporting the disclosure of crimes**

The arrested or sentenced person for one of the criminal offences related to trafficking in the narcotics, weapons, clandestine, prostitution or with criminal offences committed from criminal organizations, that cooperates and assists the criminal proceeding organs in the struggle against them, or as the case might be, in the disclosure of other persons that commit such crimes, cannot be sentenced more than half of the contemplated punishment for the offense committed by him. In specific cases, when the facilitating circumstances contest in his favor too, this person can be excluded from the punishment.

## Article 285

### **Storing equipment for manufacturing narcotics**

Storing, manufacturing, transferring, delivering equipment, materials or substances used or which will be used for manufacturing narcotic drugs or psychotropic substances, is punishable by five years of imprisonment.

## Article 286

### **Inducing the use of drugs**

Inducing others to use narcotic drugs or psychotropic substances or their injection without the consent of the victim<sup>43</sup>, is punishable by five to ten years of imprisonment.

When the inducing or forced injection is conducted upon children or in penitentiary<sup>44</sup>, educational, sport or any other institutions providing social activity, it is punishable by ten to fifteen years of imprisonment.

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<sup>43</sup>*Të dëmtuarit* in the Albanian original.

<sup>44</sup>*Institucione penale* in the Albanian original.

## Article 287

### **Disposing<sup>45</sup> of proceeds of crime**

Disposing, transferring, concealing, obscuring the nature, source, or ownership<sup>46</sup> of property derived from criminal activity, is punishable by three to ten years of imprisonment.

## Article 288

### **Producing and selling foods and other substances dangerous to the health**

Producing, importing, storing or selling foods, drinks and other substances, or medicine which are dangerous or harmful to life or health, as well as introducing chemicals, materials or additive substances into the production and processing of food and drinks, when those acts have led to death or serious harm to the health of an individual, is sentenced up to ten years of imprisonment.

When the act has caused death or serious harm to the health of more than one person, it is punishable by no less than five years of imprisonment.

## Article 289

### **Breach of rules of work-related protection**

Causing death or serious harm to the health of an individual because of intentional disregard of rules related to work, production, service, provided for by laws, acts of the Council of the Ministers or in the pertinent regulations of technical safety, technical discipline, work-related protection, hygiene and fire safety by an individual designated to respect those rules and to implement them, is punishable by a fine or up to ten years of imprisonment.

When the criminal act has caused death or serious harm to the health of more than one person, it is punishable by no less than five years of imprisonment.

## Article 290

### **Breach of traffic regulations**

Breach of traffic regulations, when it has caused the death, serious injury to a person or injuries to more than one person, is punishable by a fine or up to ten years of imprisonment.

When the criminal act has caused the death or serious injury to more than one person, it is punishable by no less than five years of imprisonment.

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<sup>45</sup>*Tjetërsimi* in the Albanian original.

<sup>46</sup>*Përkatësia* in the Albanian original.

## Article 291

### **Driving while inebriated or without a license**

Driving vehicles or other motorized transport while inebriated or without a license, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

## Article 292

### **Breach of working-standards in transportation**

Breach of working-standards in railway, water, or air transportation by transport employees, which has caused death or serious harm to the health of an individual, is punishable by a fine or up to ten years of imprisonment.

When the criminal act has caused death or serious injury to more than one person, it is punishable by no less than five years of imprisonment.

## Article 293

### **Blocking transportation<sup>47</sup>**

Placing obstacles in the way of, or blocking by any means, the movement of any means of transportation, whether automobile, railway, water or air is punishable by a fine or up to three years of imprisonment.

## SECTION IV

### **CRIMINAL ACTS AGAINST STATE SECRETS AND STATE BORDERS**

## Article 294

### **Divulging of state secrets by a person entrusted with them**

Divulging, spreading, or informing facts, figures, contents of documents or materials which, according to a publicly known law,<sup>48</sup> constitute state secrets, by the person entrusted with them or who became informed of them because of his capacity, is punishable by a fine or up to five years of imprisonment.

When the same act is committed publicly, it is punishable by a fine or up to ten years of imprisonment.

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<sup>47</sup>*Pengimi i qarkullimit të mjeteve të transportit* in the Albanian original.

<sup>48</sup>*Sipas ligjit të njohur publikisht* in the Albanian original.

## Article 295

### **Divulging of state secrets by citizens**

Divulging, spreading, or informing facts, figures, contents of documents or materials which, according to a publicly known law, constitute state secrets, by any person who becomes informed of them, is punishable by a fine or up to three years of imprisonment.

When the same act is committed publicly, it is punishable by a fine or up to five years of imprisonment.

## Article 296

### **Loss of secret documents**

Loss of documents or other materials, which, according to a publicly known law, constitute state secrets, by the person in charge of their protection and use, is punishable by a fine or up to three years of imprisonment.

## Article 297

### **Illegally crossing state border**

Illegally crossing the state borders constitutes a criminal contravention and is punishable by a fine or up to two years of imprisonment and, when it is done for reasons of profits is punishable by imprisonment up to 10 years.

## Article 298

### **Assisting illegal crossing of borders**

Providing or using water, air or other means of transportation with the intention of assisting illegal crossing of the border, is punishable by a fine or up to three years of imprisonment.

When the assistance is given for profit, it is punishable by a fine or up to seven years of imprisonment.

## Article 299

### **Breach of flight rules**

Breach of international flight rules such as entering or leaving the territory of the Republic of Albania without a flight permit, ignoring flight lanes, landing places, flight corridors or designated cruising altitude, is punishable by a fine or up to five years of imprisonment.

## CHAPTER IX

### CRIMINAL ACTS AGAINST JUSTICE

#### Article 300

##### **Failure to report a crime**

Failure to report a crime, which is in the process of being committed or which has been committed, to the organs of criminal prosecution, to the court, to the organs of public order, [or to the appropriate] authorities<sup>49</sup> or administration, is punishable by a fine or up to three years of imprisonment.

Linear ascendants<sup>50</sup> and offsprings, brothers and sisters, spouses, adoptive parents and adopted children, as well as persons obliged to keep secrecy because of their capacity or profession, are excluded from the obligation to report.

#### Article 301

##### **Obstruction of justice**

Committing actions to change the scene where a criminal act was committed by destroying, changing or removing<sup>51</sup> traces or by moving, hiding, annihilating, stealing, falsifying an item or document with the intent of increasing the difficulty on preventing the discovery of a criminal act and its perpetrator, is punishable by a fine or up to three years of imprisonment.

#### Article 302

##### **Harboring a fugitive**

Supplying the perpetrator of a crime with food, other means of living, or providing him housing, lodging or with any other assistance with the intent of preventing his discovery from search, apprehension or arrest, is punishable by a fine or up to five years of imprisonment.

Linear ascendants and offsprings, brothers and sisters, spouses, adoptive parents and adopted children are excluded from criminal responsibility.

#### Article 303

##### **Hiding or disfiguring a corpse beyond recognition**

Hiding or disfiguring beyond recognition the corpse of a victim of murder or other violent act, committed with the intent of assisting the executor of the crime to evade from a search,

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<sup>49</sup>*Pushtet* in the Albanian original.

<sup>50</sup>*Të paralindur* in the Albanian original.

<sup>51</sup>*Duke fshirë* in the original.



apprehension and arrest, is punishable by a fine or up to five years of imprisonment.

#### Article 304

##### **Obligation to report the evidence**

Failing to appear promptly to report or testify before the prosecutor, court or organs of public order about evidence that a person knows which exculpates an accused or convicted person from a criminal act, is punishable by a fine or up to five years of imprisonment.

The perpetrator of the criminal act, as well as the individuals who become aware of the evidence because of their capacity and profession and are compelled not to report or testify it are excluded from the obligation to report.

#### Article 305

##### **False report**

Falsely reporting a crime which has not been committed, or falsely reporting a person who is known that has not committed a crime, as well as fabricating false evidence with the intent of commencing criminal prosecution, is punishable by a fine or up to five years of imprisonment.

#### Article 306

##### **Perjury**

Perjury made before the organ of criminal prosecution or before the court constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When false testimony is made for purposes of profit or any other interest given or promised, it is punishable by a fine or up to three years of imprisonment.

#### Article 307

##### **Refusing to testify**

Refusing to answer questions concerning knowledge of a criminal act or its executor, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When false testimony is made for embezzlement or any other interest given or promised, it is punishable by a fine or up to three years of imprisonment.

#### Article 308

##### **False translation**

Intentional distortion of the content of a document or writing offered for translation by the organs of criminal prosecution or by the court or false translation committed before them, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

When refusal to testify is made for embezzlement or any other interest given or promised, it is punishable by a fine or up to three years of imprisonment.

## Article 309

### **False expertise**

Intentional provision of false results in reports by an expert, conducted in writing or verbally before organs of criminal prosecution or before the court is punishable by a fine or up to three years of imprisonment.

When false expertise is provided for embezzlement or any other interest given or promised, it is punishable by a fine or up to five years of imprisonment.

## Article 310

### **Refusing to appear as a witness, expert or translator**

Refusing to appear as a witness, expert or translator, without reasonable cause, or refusal to carry out duties assigned by the organ of criminal prosecution or the court, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

## Article 311

### **Threat to remain silent**

A threat made to a victim of a criminal act to not report, or complain or a threat to withdraw the report or complaint, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## Article 312

### **Corrupting or threat for false testimony, expertise or translation**

Proposing or giving remuneration, gifts or other benefits, or threatening or committing other violent acts made to a person in order to provide false testimony, expertise or translation or refuse to carry out their duties before the organs of criminal prosecution or the court, is punishable by a fine or up to three years of imprisonment.

## Article 313

### **Unlawful criminal prosecution**

Conducting unlawful criminal prosecution by the prosecutor against a person who is known to be innocent is punishable by a fine or up to five years of imprisonment.

## Article 314

### **Use of violence during investigation**

Use of violence by the person in charge of an investigation to force a citizen to make a

statement, give testimony or confess his guilt or somebody else's, is punishable by three to ten years of imprisonment.

#### Article 315

##### **Unfair sentencing**

Giving a conclusive court sentence which is known to be unfair is punishable by three to ten years of imprisonment.

#### Article 316

##### **Opposing and assaulting a judge**

Opposing violently, assaulting or committing other violent acts against a judge or other members of the trial panel, a prosecutor, defense lawyer, experts, any arbitrator assigned to a case, with the intent to prevent him from carrying out his duty or because of it, is punishable by a fine or up to seven years of imprisonment.

#### Article 317

##### **Threat to a judge**

A threat to a judge, other members of trial panel, prosecutor, defense lawyer, experts, or every arbitrator assigned to a case because of their activity, is punishable by a fine or up to three years of imprisonment.

#### Article 318

##### **Insulting a judge**

Insulting a judge or other members of trial a panel, the prosecutor, the defense lawyer, the experts, or any arbitrator assigned to a case, because of their activity, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### Article 319

##### **Asking for or receiving [unlawful] remuneration**

Asking for or unlawfully receiving remuneration, gifts or other benefits, as well as procuring promises to get them, by the judge, the prosecutor, the defense lawyer, the experts, every arbitrator assigned for a case, with the intent of carrying out or avoiding to carry out an act which is connected to the function, is punishable by five to ten years of imprisonment.

Procurement conducted by the person interested in the case or by any other person for remuneration, gifts or other benefits in favor of persons cited in first paragraph of this article, is sentenced up to three years of imprisonment.

#### Article 320

### **Preventing the enforcement of court decisions**

Hiding, altering<sup>52</sup>, using<sup>53</sup>, damaging or destroying the things which have been the subject of a court decision, or carrying out other acts with the intent of preventing the enforcement of the court's decision, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### **Article 321**

### **Acts opposing court's decision**

Committing acts which oppose a court's decision about obligations arising from additional punishment ordered by it, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### **Article 322**

### **Destruction of seals**

Intentional destruction of seals and other signs placed upon different objects by the organs of criminal prosecution and of the judiciary, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

#### **Article 323**

### **Escape of the convicted from the place of detention**

Escape of a person under arrest, custody, or of a person sentenced to imprisonment from the place of (mandatory) detention or during his transportation from one place to the other, is sentenced up to five years of imprisonment.

When the criminal act is committed violently or through the use of firearms, inflammable materials, explosives or poisonous materials, it is punishable by five to fifteen years of imprisonment.

#### **Article 324**

### **Assisting a fugitive**

Giving advice, information, [or] assistance, to a person who is under arrest, held in custody, or convicted to imprisonment, with the intention of permitting escape from the place of mandatory detention is punishable by a fine or up to five years of imprisonment.

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<sup>52</sup>*Tjetërsim* in the Albanian original.

<sup>53</sup>*Konsumim* in the Albanian original.

When the assistance is given by a person in charge of guarding, supervising or transporting, or who, because of his capacity has the right to enter in penitentiary institutions or to make contact with persons who are under arrest, held in custody, or convicted to imprisonment, it is punishable by a fine or up to five years of imprisonment.

## CHAPTER X

### CRIMINAL ACTS AFFECTING FREE ELECTIONS AND THE DEMOCRATIC SYSTEM OF ELECTIONS

#### Article 325

##### **Preventing [electoral] subjects from election to representative bodies**

The prevention either violently or through any other means electoral entities to conduct regularly their activity in conformity with the law during an election campaign, is punishable by a fine or up to three years of imprisonment.

#### Article 326

##### **Falsifying documents and election results**

Presenting to the election documents of data, circumstances, figures, which are known to be incorrect, drafting false documents and replacement of the originals<sup>54</sup> with forged copies, committed by persons in charge of drafting, assessing, providing the results or storing the documents, is punishable by a fine or up to five years of imprisonment.

#### Article 327

##### **Violating voting secrecy**

Violating voting secrecy by persons in charge of elections constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### Article 328

##### **Remuneration and promises**

Offering or giving money, making promises for jobs or other favors in any form, with the intent of getting signatures for presenting a candidate, for voting in favor or against a candidate or for taking part in or abstaining from taking part in elections, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

Accepting money, promises or other favors in order to conduct the above-mentioned actions, constitutes criminal contravention and is punishable by a fine.

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<sup>54</sup>*Të saktave* in the Albanian original.

## Article 329

### **Threat to the voter**

Threat to a voter to vote in favor of or against a candidate or to take part or to avoid taking part in an election constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## Article 330

### **Threat to the candidate**

Threat or any other unlawful act toward the candidate with the intent of [forcing him to] withdraw his candidacy or to prevent him from exercising any activity legally permitted during an election campaign, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## Article 331

### **Violation of election rights**

Intentional failure to register on election lists people who enjoy election rights or intentional registration thereon of persons who do not enjoy these right, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

## Article 332

### **Abuse of military authority**

Abuse of military authority by a military official of any rank in order to influence the voting of the other military under his orders, through commands, advice or any other propaganda, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## CHAPTER XI

### **CRIMINAL ACTS COMMITTED BY AN ARMED GANG OR CRIMINAL ORGANIZATION**

## Article 333

### **Creating an armed gang or criminal organization**

Creating an armed gang or criminal organization or participating therein, with the intent of committing crimes, is punishable by five to fifteen years of imprisonment.

## Article 334

### **Committing crimes by an armed gang or criminal organization**

I. Committing crimes by an armed gang or criminal organization shall be sentenced according to respective criminal provisions adding five more years to the sentence given for the crime committed, when the referring provision contains imprisonment and another lighter punishment, but without exceeding the maximum term of imprisonment.

II. When the respective criminal provision contains imprisonment or life imprisonment or the death penalty, it is punishable by twenty five years of imprisonment or to life imprisonment or death.

III. When the respective criminal provision contains life imprisonment or the death penalty, it is punishable by life imprisonment or death.

## Article 335

[No title in the original]

The effective date of this code is June 1, 1995. Any repealed legal acts, the effects of this code, and the way it will enter into force, shall be designated by a separate law.

SPEAKER OF THE PARLIAMENT

Pjetër Arbnori