

REPUBLIC OF ALBANIA

PEOPLE'S ASSEMBLY

LAW

**No. 7895, date 27 January, 1995, amended by Law No. 8204, date 10 April 1997,
amended by Law No. 8279, date 15 January 1998, amended by Law No. 8733, date 24
January 2001**

CRIMINAL CODE OF THE REPUBLIC OF ALBANIA

In compliance with Article 16 of Law No. 7491, date 29 April 1991 "On the Main
Constitutional Provisions," upon 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 the criminal acts, the sentences 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 1/a

The basis of Criminal Law

(Added by Law No. 8733, date 24 January 2001, article 1)

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.

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.

Article 2

Unlawful sentencing

No one may be criminally 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 by 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 into power at the time it was committed, did not constitute a criminal act.

A new law that does not incriminate 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 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 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

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, 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

(Letter "d" amended by Law No. 8733, date 24 January 2001, article 2)

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;
- c) terrorist acts;
- d) Organization of prostitution; illegal trafficking of human beings, children, and women; production and illegal trafficking of weapons, drugs, other narcotic and psychotropic substances, nuclear substances, pornographic materials and illegal trafficking of art works and objects with a historical, cultural, and archeological value.
- 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;
- d) for compensation of damages or other civil law effects.

Article 11

Extradition

Extradition may be permitted only when explicitly provided for by international treaties where the Republic of Albania is a party.

Extradition shall be permitted when both Albanian law and foreign law provide for the 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 prosecuted, punished or wanted 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

Causality link

No one bears criminal responsibility if there is no causality link between his action or non-action 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

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 hopes 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 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 non-actions, 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 caused in incidental circumstances and brings about the lowering of mental balance, the court considers this circumstance for mitigating the sentence. When the person is intentionally inebriated in order to commit a criminal act, the court considers this circumstance for aggravating the sentence.

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 and 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 OF PERSONS FOR THE COMMITMENT OF THE CRIMINAL ACT

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 or things relevant to the criminal act, help to carry it out.

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 28

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/SENTENCES

Article 29

Principal punishments

(Amended by Law No. 8733, date 24 January 2001, article 79)

The following punishments shall apply to the offenders:

1. Life imprisonment;
2. Imprisonment;
3. Fine;

For a person who has committed a criminal contravention are given 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 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

(Paragraphs I, II and title amended by Law No. 8733, date 24 January 2001, article 79)

The court decides for life imprisonment when a serious offence has been committed.

Life imprisonment 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 is jointly provided for at the Special Part of this Code.

Article 32

Sentence by 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 separated from those of the adults.

Women serve imprisonment sentences in institutions separated from those of men.

Article 34

Punishment by fines

(Paragraph III, IV amended, paragraph V added, paragraph VII amended, by Law 8733, date 24 January 2001, article 3)

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.

For persons who have committed a crime, the fine ranges from 100 thousand to 10 million lekë.

For persons who commit a criminal contravention, the fine ranges from 50 thousand to 5 million lekë.

For persons who commit crimes with motives of profit of property or gain of any other material profit, if the criminal provision provides only punishment by imprisonment, the court can decide on punishment from 100 thousand to 5 million lekë.

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

The court, while considering the economic status of the defendant, 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 5 thousand leks 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.

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 mandatorily applied by the court to persons committing a criminal offense, and consists in taking and transferring to the state the objects that have served or were determined to be used for the commission of the criminal offense, as well as the objects, money, and any other property deriving from the criminal offense or the reward provided or promised for its commission.

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 preventive 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 of 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 last 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

Prohibition to stay in one or more administrative units

The prohibition 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 stay those areas constitutes a danger for the public security.

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 several 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.

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 several 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

(Abolished by Law No. 8733, date 24 January 2001, article 4)

Article 46

Medical and educational measures

The court may decide medical measures 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 measures are the following:

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

Educational measures 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 measures, are provided for in the Code of Criminal Procedure.

CHAPTER VI

DETERMINATION OF PUNISHMENT

Article 47

Manner of 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 turned to normality.

Article 49

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

(Letter “b” amended, letters “h” and “i” added by Law No. 8733, date 24 January 2001, article 5)

The following circumstances aggravate the punishment:

- a) When the act committed is based upon weak motives;
- b) When the act is committed for the purpose of making responsible or hiding the criminal responsibility of a third person, or for avoiding the sentencing for another criminal act; or to accomplish, or to gain for him/herself or for the third party property profits, or any kind of material profit;
- 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;
- h) When the act is committed more than one time;
- i) When the offense is committed using arms; military munitions; exploding, combustible, poisoning and radioactive substances.

Article 51

Imprisonment sentences for 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 educating institution.

Article 53

Lowering the sentence 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 the immediate 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

Defining sentence for several criminal acts

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.

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, 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

Joining 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 joins the new sentence with the remaining portion of the previous term, according to the rules provided for in Article 55 of this Code.

Article 57

Calculation of detention

(Paragraph III amended by Law No. 8733, date 24 January 2001, article 6)

Detention period is calculated in imprisonment sentence, 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 five thousand leks.

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

CHAPTER VII

ALTERNATIVES TO IMPRISONMENT SENTENCE

Article 58

Fragmentation of imprisonment sentence

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 fragmented 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 with 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 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 kind 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 probation

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 suspension decision.

Revocation 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

(Amended by Law No. 8733, date 24 January 2001, article 7)

The imprisoned person may be released on parole for special reasons, if through his work and behavior he shows that the sentence has served its purpose for his education, and he has served:

- not less than half of the sentence in cases of criminal contraventions;

- not less than two thirds of the sentence for crimes punished up to five years of imprisonment;

- not less than three fourths of the punishment for crimes punished by five to twenty five years of imprisonment.

The time benefited from amnesty or pardon is not calculated as served punishment.

Release on parole for recidivists punished for intentional crimes is not allowed.

Release on parole is revoked by court, if a person punished for a criminal offence committed intentionally during the probation time, intentionally commits another criminal offence as serious or more serious than the first offense, applying the provisions for joint punishment.

Article 65

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, 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

Prescription of 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 prescription of criminal prosecution

There is no prescription operative for the criminal prosecution against war crimes and crimes against humanity.

Article 68

Prescription 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

Rehabilitation

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

- 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

Application 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

(Amended by Law No. 8733, date 24 January 2001, article 79)

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 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.

Article 74

Crimes against humanity

(Amended by Law No. 8733, date 24 January 2001, article 8)

Murders, massacres, slavery, internal exile and deportation, as well as every act of torture or other inhuman violence committed according to a concrete pre-meditated plan against a group of civil population, for political, ideological, racial, ethnic, and religious reasons, is punished by not less than fifteen years of imprisonment or with life imprisonment.

Article 75

War crimes

(Amended by Law No. 8733, date 24 January 2001, article 79)

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.

CHAPTER II

CRIMINAL ACTS AGAINST THE PERSON

CRIMES AGAINST LIFE

SECTION I

CRIMES AGAINST LIFE COMMITTED INTENTIONALLY

Article 76

Intentional murder

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

Article 77

Murder upon intention connected to another crime

(Amended by Law No. 8733, date 24 January 2001, article 9)

Intentional homicide which precedes, accompanies, conceals or proceeds another crime is punished by imprisonment of not less than twenty years.

Article 78

Premeditated homicide

(Amended by Law No. 8733, date 24 January 2001, article 10)

Premeditated homicide is punished by fifteen to twenty five years of imprisonment.

Homicide committed for interest, retaliation or blood feud is punished by not less than twenty-five years or life imprisonment.

Article 79

Intentional murder for reasons of special qualities of the victim

(Amended by Law No. 8733, date 24 January 2001, article 11)

Intentional homicide committed:

- a) against a minor;
- b) against a person with physical or psychological handicap, or who is seriously ill or pregnant, when qualities of the victim are evident or known;
- c) against a deputy, judge, prosecutor, lawyer, police, military force, public servant, in the course of the performance of their duty or because of such duty, when such qualities of the victim are evident or known;
- ç) against an informer [of the criminal offense], witness, victim or other litigating parties;
- d) repeatedly;
- dh) against two or more persons;
- e) in such a way that caused special pain to the victim;
- ë) in a way that endangers the life of many people;

is punished by not less than twenty years or life imprisonment.

Article 80

Providing the [necessary] material conditions and 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 psychic distress

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 in excess of the limits of the necessary defense

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

Article 83/a

Serious threat for revenge or blood feud

(Added by Law No. 8733, date 24 January 2001, article 12)

Serious threat of revenge or blood feud to a person or minor [causing them] to stay isolated is punished by fine or up to three 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

CRIMES AGAINST LIFE COMMITTED BY NEGLIGENCE

Article 85

Murder upon negligence

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 88/a

Serious injury in the state of a strong psychological distress

(Added by Law No. 8733, date 24 January 2001, article 13)

Serious injury, committed in the state of strong, momentary, psychological distress, caused by violence or serious insult from the side of the victim, is punished up to five years of imprisonment.

Article 88/b

Serious injury in excess of necessary defense

(Added by Law No. 8733, date 24 January 2001, article 13)

Serious injury, committed in excess of the limits of necessary defense, is punished up to three 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

(Added by Law No. 8204, date 10 April 1997, article 1)

The trade of transplants, as well as any activity connected to the removal or the illegal implantation of the organs, is sentenced by imprisonment by 3 to 10 years.

When these acts are committed for profit intentions, they are sentenced with imprisonment from 10 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 COMMITTED

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 means for interruption of pregnancy

Providing the means 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

Inattentive medication

Inattentive 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

(Paragraph II added by Law No. 8733, date 24 January 2001, article 14)

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.

“If the same offense has caused the infection of an ill person with HIV/AIDS infection, it is punished by three to seven years of imprisonment.”

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 CRIMES

Article 100

Sexual or homosexual intercourses with minors

(Amended by Law No. 8733, date 24 January 2001, article 15)

Commission of sexual or homosexual intercourse with minor children, who have not reached the age of fourteen, or with a minor girl who has not reached sexual maturity, is punished by seven to fifteen years of imprisonment.

If the sexual or homosexual intercourse is committed in collusion with others, or repeatedly, or by force, or if serious consequences to health have been caused to the injured child, it is punished by fifteen to twenty five years of imprisonment.

If the offense has caused as a consequence the death or suicide of the minor child, it is punished by not less than twenty years of imprisonment.

Article 101

Sexual or homosexual intercourse, by force, with minors between the age of 14-18

(Amended by Law No. 8733, date 24 January 2001, article 16)

Commission of sexual or homosexual intercourse by force with children from the age of fourteen to eighteen and who have reached the sexual maturity, is punished by five to fifteen years of imprisonment.

If the sexual or homosexual intercourse committed by force is committed in collusion with others, or repeatedly, or if serious consequences to health have been caused to the injured child, it is punished by ten to twenty years of imprisonment.

If the offense has caused as a consequence the death or suicide of the minor child, it is punished by not less than twenty years of imprisonment.

Article 102

Nonconsensual sexual intercourse with mature women

(Paragraph I, II amended by Law No. 8733, date 24 January 2001, article 17)

Commission of sexual intercourse with adult women by force is punished by three to ten years of imprisonment.

If the sexual intercourse by force is committed in collusion with others, or repeatedly, or if serious consequences to health have been caused to the injured woman, it is punished 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 102/a

Homosexual intercourses by force with adults

(Added by Law No. 8733, date 24 January 2001, article 18)

Commission of homosexual intercourse with adults by force is punished by two to seven years of imprisonment.

If the homosexual intercourse by force is committed in collusion with others, or repeatedly, or if serious consequences are caused to the health of the victim, it is punished by five to ten years of imprisonment.

If the offense results in the death or suicide of the victim, it is punished by ten to twenty years of imprisonment.

Article 103

Sexual and homosexual intercourse with persons unable to protect themselves

(Amended by Law No. 8733, date 24 January 2001, article 19)

Commission of sexual or homosexual intercourse, profiting from the physical or mental incapacity of the victim, or from putting him into an unconscious state, is punished by five to ten years of imprisonment.

If the sexual or homosexual intercourse is committed in collusion with others, or repeatedly, or if serious consequences are caused to the health of the victim, it is punished by seven to fifteen years of imprisonment.

If the offense results in the death or suicide of the victim, it is punished by ten to twenty years of imprisonment.

Article 104

Intercourse under threat of gunpoint

(Amended by Law No. 8733, date 24 January 2001, article 20)

Commission of sexual or homosexual intercourse by threatening the victim with the use of arms, is punished by five to fifteen years of imprisonment.”

Article 105

Sexual or homosexual intercourse through abuse of office

(Amended by Law No. 8733, date 24 January 2001, article 21)

Commission of sexual or homosexual intercourse through abuse of subordinate or office relations is punished up to three years of imprisonment.

Article 106

Sexual or homosexual intercourses with extended family members or under custody

(Amended by Law No. 8733, date 24 January 2001, article 22)

Commission of sexual or homosexual intercourse between a parent and child, brother and sister, between brothers, between other extended family members, or with persons who are in custody or adoption relationships is punished up to seven years of imprisonment.

Article 107

Intercourse in public places

(Amended by Law No. 8733, date 24 January 2001, article 23)

Sexual or homosexual 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

Obscene acts

(Amended by Law No. 8733, date 24 January 2001, article 24)

Obscene acts conducted with minors 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 or keeping a person hostage

(Amended by Law No. 8733, date 24 January 2001, article 25)

Kidnapping or keeping a person hostage for the purpose of gaining assets or other type of profit, in order to prepare the arrangement of facilitating conditions for the commission of a crime, to help the hiding or escape of perpetrators or collaborators in the commission of a crime, to avoid punishment, to force the accomplishment of requests and certain conditions, for political purposes, or other, is punished by ten to twenty years of imprisonment.

The same offense committed toward a minor under the age of 14 is punished by not less than fifteen years of imprisonment.

Kidnapping or keeping a minor hostage under the age of 14, proceeded by or accompanied with physical or psychological torture, if committed against several persons, or repeatedly, is punished by not less than twenty years of imprisonment and, if death is caused, by life imprisonment.

Article 109/a

Kidnapping or keeping a person hostage in mitigating circumstances

(Added by Law No. 8733, date 24 January 2001, article 26)

If the kidnapped or held person is released voluntarily prior to the expiration of seven days from the act of kidnapping or keeping hostage, without achieving the goal of the crime, and if torture has not been exercised against the person, and if other health damages [have not been caused], the act is punished by three to five years of imprisonment.

Article 110

Unlawful detention

(Paragraph II amended by Law No. 8733, date 24 January 2001, article 27)

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

If this offense is accompanied with serious physical pain, is committed in collusion with others, against several people, or repeatedly, it is punished by three to seven years of imprisonment.

Article 110/a

Trafficking of human beings

(Added by Law No. 8733, date 24 January 2001, article 28)

Trafficking of human beings with the purpose of material profit or any other profit is punished by five to fifteen years of imprisonment.

The same offense, if committed in collusion with others or repeatedly, or is accompanied with maltreatment and compulsion by [exercising] physical or psychological pressure against the victim [to have them] perform different actions, or if it [the offense] causes serious consequences to health, is punished by not less than fifteen years of imprisonment and, if it causes death, by life 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

Violation of someone's house

Violation of 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.

SECTION VIII

Criminal acts against morality and dignity

Article 113

Prostitution

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

Article 114

Exploitation of prostitution

(Title amended and paragraph Ii abolished by Law No. 8279, date 15 January 1998, article 2)

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 under aggravated circumstances

(Added by Law No. 8279, date 15 January 1998, article 2, point 6 and last paragraph amended by Law No. 8733, date 24 January 2001, article 29)

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 114/b

Trafficking of women for prostitution

(Added by Law No. 8733, date 24 January 2001, article 30)

Trafficking women for prostitution, with the purpose of material profit or any other profit, is punished by seven to fifteen years of imprisonment.

The same offense, if committed in collusion with others, or repeatedly, or is accompanied with maltreatment and compulsion by [exercising] physical or psychological pressure against the victim to have them perform different actions, or if it [the offense] causes serious consequences to health, is punished by not less than fifteen years of imprisonment and, if it causes death, by life imprisonment.”

Article 115

Use of premises for prostitution

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

Article 116

Homosexuality

(Abolished by Law No. No. 8733, date 24 January 2001, article 31)

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

(Paragraph II amended by Law No.8733, date 24 January 2001, article 32)

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

The same offense, if committed in public, to the detriment of several people or repeatedly, constitutes a criminal contravention and is punished by fine or up to one year of imprisonment.

Article 120

Libel

(Paragraph II amended by Law No.8733, date 24 January 2001, article 33)

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 offense, if committed in public, to the detriment of several people, or repeatedly, constitutes a criminal contravention and is punished by fine or up to two years of imprisonment.

Article 121

Intruding without ground 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 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

(Paragraph I amended by Law No.8733, date 24 January 2001, article 34)

Abandonment of a child under sixteen 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

Not informing 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 128/a

Intentional hiding or exchange of a child

(Added by Law No.8733, date 24 January 2001, article 35)

Intentional hiding or exchange of a child with another one performed by medical personnel is punished by three to eight years of imprisonment.

Article 128/b

Trafficking of children

(Added by Law No.8733, date 24 January 2001, article 35)

Trafficking of women for prostitution, with the purpose of material profit or any other profit, is punished by ten to twenty years of imprisonment.

The same offense, if committed in collusion with others, or repeatedly, or is accompanied with maltreatment and compulsion by [exercising] physical or psychological pressure against the victim to have them perform different actions, or if it [the offense] causes serious consequences to health, is punished by not less than fifteen years of imprisonment and, if it causes death, by life 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 up to three years of imprisonment.

Article 132

Ruining or damaging objects of worship

Ruining or damaging objects 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 SPHERE

SECTION I

THEFT OF PROPERTY

Article 134

Theft

(Paragraph II added by Law No. 8733, date 24 January 2001, article 36)

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

The same offense, if committed in collusion with others, or repeatedly, or causes serious consequences, is punished by five to fifteen 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

(Paragraph II added by Law No. 8733, date 24 January 2001, article 37)

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

The same offense, if committed in collusion with others, or repeatedly, or causes serious consequences, is punished by ten to twenty years of imprisonment.

Article 137

Stealing electrical power or telephone lines

(Paragraph I added by Law No. 8733, date 24 January 2001, article 38)

Illegal connection with the electricity grid constitutes a criminal contravention and is punished by fine or up to two years of imprisonment.

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 138/a

Trafficking of art and cultural objects

(Added by Law No.8733, date 24 January 2001, article 39)

Import, export, transit and trade of art and cultural objects in violation of law, with the purpose of material or any other profit, is punished by three to ten years of imprisonment.

The same offense, if committed in collusion with others, or repeatedly, or causes serious consequence, is punished by five to fifteen 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

(Amended by Law No.8733, date 24 January 2001, article 40)

Theft of property, accompanied by possession of a void permit of arms and military ammunitions, or their use, is punished by ten to twenty years of imprisonment.

Article 141

Theft resulting in death

(Amended by Law No.8733, date 24 January 2001, article 79)

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

Article 141/a

Trafficking of motor means

(Added by Law No.8733, date 24 January 2001, article 41)

Import, export, transit or commercialization of stolen motor means in violation of law, with the purpose of material or any other profit, is punished by three to seven years of imprisonment.

The same offense, if committed in collusion with others, or repeatedly, or causes serious consequences, is punished by five to fifteen years of imprisonment.

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

(Paragraph II added by Law No.8733, date 24 January 2001, article 42)

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

The same offense, if committed in collusion with others, to detriment of several persons, or repeatedly, is punished by three to ten years of imprisonment, and if serious consequences are caused, by ten to twenty years of imprisonment.

Article 143/a

Deceptive pyramidal schemes

(Paragraph II added by Law No.8733, date 24 January 2001, article 43)

Organization and functioning of deceptive and pyramidal renting schemes, with the purpose of material profit, is punished by three to ten years of imprisonment.

The same offense, if it has caused serious consequences, is punished by ten to twenty 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 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

Fraud on works of art and culture

(Amended by Law No.8733, date 24 January 2001, article 44)

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 four years of imprisonment.

Article 148

Publication of another person's work with own name

(Amended by Law No.8733, date 24 January 2001, article 45)

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 two years of imprisonment.

Article 149

Unlawful reproduction of the work of another

(Amended by Law No.8733, date 24 January 2001, article 46)

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 fine or by imprisonment up to two years.

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

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 potable 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 TRADE ASSOCIATIONS

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 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

Forfeiting signatures

Forfeiting 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 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 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

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

(Added by Law No. 8279, date 15 January 1998, article 2)

(Amended by Law No. 8733, date 24 January 2001, article 47)

Employment without registration with the competent authorities or without guaranteeing employee's insurance according the regulations, when an administrative measure has been rendered first constitutes a criminal contravention and is sentenced with a fine up to 10 thousand leks 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

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

SECTION V

CRIMES 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 licensed goods

Importing, exporting or transiting goods which are licensed 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

Contraband from employees related to customs activity

(Amended by Law No. 8733, date 24 January 2001, article 48)

Commission of contraband by customs employees, or by employees who are related to a customs activity, or in collusion with others, is punished by three to ten years of imprisonment.

Article 176

Smuggling [goods of] cultural value

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

Article 177

Smuggling goods of an intermediate regime

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

Article 178

Trading and transporting goods which are illegally imported

(Amended by Law No. 8733, date 24 January 2001, article 49)

Trade, alienation or transport of goods that are illegally imported, as well as any assistance provided to persons who are involved in such activity, is punished by fine or up to three 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 TAXES AND DUTIES

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.

Article 181

Non payment of taxes and duties

Non payment of taxes and duties 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 performance of duties from taxing authorities

(Added by Law No. 8279, date 15 January 1998, article 2)

Non performance of the duties related with collecting of the taxes and duties 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 leks, is punished by fine of up to 2 million leks;

when the value is higher than 1 million leks 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 duties], 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

(Amended by Law No. 8733, date 24 January 2001, article 50)

Falsifying or distributing falsified currency is punished by five years of imprisonment.

The same offense, if committed in collusion with others, or repeatedly, or if it has caused serious consequences, is punished by five to fifteen years of imprisonment.

Article 184

Falsifying securities

(Amended by Law No. 8733, date 24 January 2001, article 51)

Falsification or distribution of checks, bills, credit cards, travel checks or securities, which have a falsified value, is punished up to five years of imprisonments.

The same offense, if committed in collusion with others, or repeatedly, or if it has caused serious consequences, is punished from three to ten years of imprisonment.

Article 185

Producing instruments for forgery

(Added by Law No. 8733, date 24 January 2001, article 52)

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.

The same offense, if committed in collusion with others, or repeatedly, or if it has caused serious consequences, is punished by three to ten 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, 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 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.

Article 192/a

Disappearance and theft of documents

(Added by Law No. 8733, date 24 January 2001, article 53)

Destruction by any manner of archive or library documents, as well as disappearance of documents that are of particular importance, in violation of legal requirements, is punished by fine or up to three years of imprisonment.

Theft of archive or library documents, that are of particular importance, or their export in violation of legal requirements, is punished by fine or up to five years of imprisonment.

Article 192/b

Interference in computerized transmissions

(Added by Law No. 8733, date 24 January 2001, article 53)

Interference in any form in computerized transmissions and programs constitutes criminal contravention and is punished by fine or up to three years of imprisonment.

The same offense, if it has caused serious consequences, is punished up to seven 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.

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

CRIMES AGAINST INDEPENDENCE AND CONSTITUTIONAL ORDER

SECTION I

CRIMES AGAINST INDEPENDENCE AND INTEGRITY

Article 208

Transferring territory

(Amended by Law No. 8733, date 24 January 2001, article 79)

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.

Article 209

Surrendering the army

(Amended by Law No. 8733, date 24 January 2001, article 79)

[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.

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 secret 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

CRIMES AGAINST CONSTITUTIONAL ORDER

Article 219

Assassination

(Amended by Law No. 8733, date 24 January 2001, article 79)

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.

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

(Paragraph II amended by Law No. 8733, date 24 January 2001, article 79)

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.

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

(Amended by Law No. 8733, date 24 January 2001, article 79)

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 and instilling fear and uncertainty in the public is punishable by no less than fifteen years of imprisonment or to life imprisonment.

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

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, 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

(Paragraph II amended by Law No. 8733, date 24 January 2001, article 54)

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.

The same offense, if committed in collusion with others, or through exercise of physical coercion, or repeatedly, is punished by fine or up to five years of imprisonment.

Article 236

Opposing the official of the public order police

(Paragraph II amended by Law No. 8733, date 24 January 2001, article 55)

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.

The same offense, if committed in collusion with others, or through exercise of physical coercion, or repeatedly, is punished by fine or by three to seven years of imprisonment.

Article 237

Assault [to an official] because of the duty

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

(Amended by Law No. 8733, date 24 January 2001, article 56)

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 one year of imprisonment.

The same offense, if committed publicly, or to the detriment of several people, or repeatedly, constitutes a criminal contravention and is punished by fine or up two years of imprisonment.

Article 240

Defamation [toward a public official] because of the duty

(Paragraph II amended by Law No. 8733, date 24 January 2001, article 57)

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.

The same offense, if committed publicly, or to the detriment of several people, or repeatedly, is punished by 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 exercising a 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 OR IN PUBLIC SERVICE

Article 248

Abuse of office

(Amended by Law No. 8733, date 24 January 2001, article 58)

Intentional commission or nonperformance of actions or omission of actions in violation of law, which constitutes adequate nonperformance of duty by a person in charge of a state function or public service, when serious consequences to the lawful interests of citizens and state are caused, is punished by 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 of 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 257/a

Refusal to declare, failure to declare, hiding or false declaration of the property of the elected persons and public officials

(Added by Law No. 9030, date 13 March 2003, article 1)

The refusal to declare, failure to declare the property of the elected persons or public officials according to the law, when administrative measures have been taken first, is considered a criminal contravention and is punishable by fine or up to 6 months of imprisonment.

Hiding or false declaration of the property of the elected persons or public officials is considered a criminal contravention and is punishable by fine or up to 2 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 bribes

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 and manifestations

Organizing the assembly of people in squares and places of public passage, without prior permission by the competent authority according to the specific provisions 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.

The same offense, if committed repeatedly or if it has caused serious consequences, constitutes a criminal contravention and is punished by fine or up to two years of imprisonment.

Article 263

Organizing illegal assembly and manifestation with participation of armed persons

(Paragraph III added by Law No. 8733, date 24 January 2001. article 59)

Organizing illegal assembly with participation of 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 go on strike or not (to)

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 creating panic

Propagating false information or news, in words, in writing, or in any other way, in order 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 [its] constitutional order, flag, emblem, anthem, martyrs of the nation or abolishing, 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, committed by means of any information or communication, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

Article 272

False information in the order authorities

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 place of an accident

Leaving the place 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

Mal-intended use of telephone calls

Mal-intended 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

Unauthorized use of the Red Cross emblem

Unauthorized 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.

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

(Paragraphs I and II added by Law No. 8279, date 15 January 1998, article 2.

Paragraph I, II and II amended, paragraph IV added by Law No. 8733, date 24 January 2001, article 60)

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

Holding 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 military ammunition without permit from competent state bodies constitutes criminal contravention and is punished by fine or up to two years of imprisonment.

If the offense is committed in large quantities, in collusion with others, repeatedly, or if it has caused serious consequences, is punished by five to fifteen years of imprisonment

Article 278/a

Trafficking of arms and munitions

(Added by Law No. 8733, date 24 January 2001, article 61)

Import, export, transit, and commercialization of arms and military munitions in violation of the law, with the purpose of material profit or any other profit is punished from seven to fifteen years of imprisonment.

The same offense, if committed in collusion with others, or repeatedly, or if it causes serious consequences, is punished by ten to twenty years of imprisonment.

Article 279

Illegally manufacturing and keeping cold weapons

Manufacturing, keeping, buying or selling cold 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 guns

Manufacturing, keeping, buying or selling hunting or sporting guns, 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 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 282/a

Trafficking of explosive, combustible, poison, and radioactive substances

(Added by Law No. 8733, date 24 January 2001, article 62)

Import, export, transit, commercialization of explosive, combustible, poison, and radioactive substances in violation of the law, with the purpose of material profit or any other profit is punished by seven to fifteen years of imprisonment.

The same offense, if committed in collusion with others, or repeatedly, or if it causes serious consequences, is punished by ten to twenty years of imprisonment.

Article 283

Manufacturing and selling narcotics

(Paragraph I amended, paragraph II added by Law No. 8733, date 24 January 2001, article 63)

Selling, offering to sell, providing or receiving in any form, distributing, commercializing, transporting, sending, delivering, as well as carrying, except in case of personal use and in small portions, narcotic and psychotropic substances as well as seeds of narcotic plants, in violation of law or in excess of its content, is punished by five to ten years of imprisonment.

The same offense, if committed in collusion with others, or repeatedly, is punished by seven 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

(Added by Law No. 8279, date 15 January 1998, article 2)

Amended by Law No. 8733, date 24 January 2001, article 64)

Import, export, transit, and trade of narcotic and psychotropic substances and of seeds of narcotic plants, in violation of law, is punished by seven to fifteen years of imprisonment.

The same offense, if committed in collusion with others, or repeatedly, is punished by ten to twenty years of imprisonment.

Organizing, leading, or financing of this activity is punished by not less than fifteen years of imprisonment.

Article 283/b

Creation of facilities for delivering and using of drugs

(Added by Law No. 8733, date 24 January 2001, article 65)

Creation of facilities for the delivery and use of narcotic or psychotropic substances in violation of relevant legal provisions from persons who administer such substances because of their duty, is punished by three to seven years of imprisonment.

Article 284

Cultivating narcotic plants

(Paragraphs I and III amended, paragraph II added by Law No. 8733, date 24 January 2001, article 66)

Cultivating plants which serve or are known to serve for the production and extraction of narcotic and psychotropic substances, without permit and authorization according to the law, is punished by three to seven years of imprisonment.

The same offense, if committed in collusion with others, or repeatedly, is punished by five to ten years of imprisonment

Organizing, managing or financing this activity is punishable by seven to fifteen years of imprisonment.

Article 284/a

Organizing and leading criminal organizations

(Added by Law No. 8279, date 15 January 1998, article 2)

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

(Added by Law No. 8279, date 15 January 1998, article 2)

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 284/c

Production and fabrication of narcotic and psychotropic substances

(Added by Law No. 8733, date 24 January 2001, article 67)

Production, fabrication, extraction, refinement, or preparation absent license or in excess of its content of narcotic and psychotropic substance, is punished by five to ten years of imprisonment.

The same offense, if committed in collusion with others or repeatedly, is punished by seven to fifteen years of imprisonment.

Organizing, leading, and financing this activity is punished by ten to twenty years of imprisonment.

Article 284/ç

Production, commercialization, and illegal use of precursors

(Added by Law No. 8733, date 24 January 2001, article 67)

Production, import, export, transit, commercialization, and carrying of precursors provided by law in relevant tables in violation of relevant legal provisions, is punished up to five years of imprisonment.

The same offense, if committed in collusion with others, or repeatedly, is punished by three to seven years of imprisonment.

Organization, leading, and financing this activity is punished by five to fifteen years of imprisonment.

Article 285

Possession, production, and transport of chemical substances

(Amended by Law No. 8733, date 24 January 2001, article 68)

Production, possession, transport or delivery of basic chemical substances, or of different kinds of substances, equipment, or materials, if known that these are used or will be used for the production or illegal trafficking of narcotic or psychotropic substances, is punished by three to ten years of imprisonment.

Article 285/a

Adaptation of places for use of a drug

(Added by Law No. 8733, date 24 January 2001, article 69)

Adaptation or permission to adapt a place, dwelling, motor means, and any other public or private means to gather persons, with the purpose of consuming narcotic or psychotropic substances, is punished by up to five years of imprisonment.

Article 285/b

Disposal or abandonment of syringes

(Added by Law No. 8733, date 24 January 2001, article 69)

Disposal away or abandonment in public places or places open to the public, as well as in private environments of common use, of syringes or dangerous instruments, used to inject narcotic or psychotropic substances, constitutes criminal contravention and is punished by fine or up to one year imprisonment.”

Article 286

Inducing the use of drugs

(Amended by Law No. 8733, date 24 January 2001, article 70)

Inducing others to use narcotic or psychotropic substances, or providing or injection others absent their knowledge and consent, is punished by five to ten years of imprisonment.

When the inducing or forced injection is conducted upon children or in penitentiary, educational, sport or any other institutions providing social activity, it is punishable by not less than fifteen years of imprisonment.

Article 286/a

Illegal use of high technology

(Added by Law No. 8733, date 24 January 2001, article 71)

Production and use of telematic systems, means and equipment of high technology, as provided for criminal offenses in articles 283 up to 286/a of this Code, or to make possible or facilitate consumption of narcotic and psychotropic substances, or to transmit and defuse advertising announcements for their stimulation, is punished by up to five years of imprisonment.

Article 287

Disposing of proceeds of crime

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

Article 287/a

Money laundering

(Added by Law No. 8733, date 24 January 2001, article 72)

Commission of financial transactions or other economical transactions for the purpose of money laundering, which are known to stem from criminal activity, and their recirculation and production for entrepreneurial or economic activity of any kind, is punished by five to ten years of imprisonment.

The same offence, if committed in collusion with others or repeatedly, is punished by seven to fifteen years of imprisonment, and if it has caused serious consequences, by not less than fifteen 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 288/a

Illegal production of industrial and food items and goods

(Added by Law No. 8733, date 24 January 2001, article 73)

Illegal production of industrial and food items and goods constitutes criminal contravention and is punished by fine or up to two years of imprisonment.

The same offense, if committed in collusion with others, or repeatedly, or if it has caused serious consequences, is punished by three to ten years of imprisonment.

Article 289

Breach of rules of work protection-related

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.

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

Hindering circulation of the transport means

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, 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.

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

(Added by Law No. 8279, date 15 January 1998, article 2)

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

(Paragraph III added by Law No. 8733, date 24 January 2001, article 74)

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.

When the commission of this criminal offense causes the death or serious injury of one or more persons, it is punished by not less than 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 or administration, is punishable by a fine or up to three years of imprisonment.

Linear ascendants 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 in revealing the truth

Committing actions to change the scene where a criminal act was committed by destroying, changing or removing 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, 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 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

(Paragraph II amended by Law No. 8733, date 24 January 2001, article 75)

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.

False testimony in court constitutes a criminal contravention and is punished by fine or up to two 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

(Amended by Law No. 8733, date 24 January 2001, article 76)

Proposing or giving remuneration, gifts or other benefits, or threatening or committing other violent acts made to a person in order to provide false declarations or 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 313/a

Disappearance or loss of file

(Added by Law No. 8733, date 24 January 2001, article 77)

Disappearance or loss, by any manner, of an investigation or court examination file, as well as omission of documents, letters, or other data that are attached to them, if it causes serious consequences to the detriment of interests of

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, using, 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 320/a

Failure to enforce court decision absent legal grounds

(Added by Law No. 8733, date 24 January 2001, article 78)

Failure to enforce criminal or civil court decisions absent legal grounds, by a person in charge of enforcing decisions, constitutes a criminal contravention and is punished by fine or up to two years of imprisonment.

If this offense is committed for the purpose of profit or any other interest given or promised, or made as a favor to persons who are interested in the failure to enforce a decision, is punished by fine or up to three 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 and signs

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.

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 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.

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 rights, 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

(Amended by Law No. 8733, date 24 January 2001, article 79)

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.

III. When the respective criminal provision contains life imprisonment or the death penalty, it is punishable by life imprisonment.

Article 334/1

(Amended by Law No. 9017, date 06 March 2003, article 1)

Irrespective of article 278, persons who in compliance with the legislation in force, voluntarily hand over weapons until the date 31 May 2005, are not prosecuted for illegal possession of weapons and military ammunition.

Persons who committed a criminal offense are not excluded from the prosecution for illegal weapon possession, while using weapons and military ammunition for this purpose.

Persons who after the entry into force of this law, declare that they do not possess weapons and military ammunition but they were found in hidden possession of weapons and military ammunition by the controls based on the respective provisions of the Criminal Procedure Code, are not excluded from the prosecution.

Article 335

This Code shall enter into power on 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.