

Unofficial translation

CRIMINAL CODE OF THE REPUBLIC OF TAJIKISTAN

GENERAL PART

SECTION I. CRIMINAL LAW

CHAPTER 1. Objectives and principles of the Criminal Legislation

Grounds for criminal responsibility

Article 1. Criminal Legislation of the Republic of Tajikistan

(1) The Criminal law of the Republic of Tajikistan consists of the present Code. New laws containing provisions about criminal liability must be included to the Criminal Code.

(2) The Criminal Code is based on the Constitution of the Republic of Tajikistan and generally recognized principles and norms of International Law.

Article 2. Objectives of the Criminal Code of the Republic of Tajikistan

(1) The Criminal Code is aimed to defend rights and freedoms of a person and citizen, rights of juridical persons, property, environment, public order, constitutional system, peace and security of humankind from criminal invasions, to bring up citizens in the spirit of observance of the Constitution and laws of the republic and to prevent crimes.

(2) To implement these objectives the present Code consolidates grounds and principles of criminal responsibility , defines which socially dangerous actions are deemed to be crimes and determines sentences and other measures of criminal-legal influence for committing crimes.

Article 3. Principles of the Criminal Law and Criminal Liability

The Criminal Code is based upon principles of legality, equality before the law, inevitable punishment, personal and culpable responsibility, justice, humanism and democracy.

Article 4. Principle of Legality

(1) Only Criminal Code determines criminality of an act, its punishability and other criminal-legal consequences.

(2) No one may be deemed to be guilty of a crime, and no one may be inflicted a criminal penalty until his/her guilt is determined by a legally binding court verdict.

(3) Application of the criminal law by analogy is not allowed.

(4) Contents of the criminal law should be understood in exact conformity with its text.

Article 5. Principle of Equality Before the Law

Persons who have committed crimes are equal before the law and they are liable to criminal responsibility irrespective of sex, race, nationality, language, religion, political convictions, education, social, official and property status, belonging to public unions, place of living and other circumstances.

Article 6. Principle of Inevitable Responsibility

Each person who has committed a crime is liable to punishment or other measures of influence stipulated by the Criminal Code.

Article 7. Principle of Personal and Criminal Liability

(1) No one may bear criminal liability for anything but for his/her own actions.

(2) A person is liable to criminal responsibility only for those socially dangerous acts and socially dangerous consequences in reference of which his guilt is proved.

(3) Objective imputation, i.e. criminal responsibility for guiltless damage is not allowed.

Article 8. Principle of Justice

(1) A sentence and other measures of criminal-legal influence, which are inflicted upon a person who has committed a crime must be just, i.e. they must conform to the character and degree of social danger of a crime, circumstances of its perpetration and personality of a person who is found guilty.

(2) No one may bear criminal liability twice for the same crime.

Article 9. Principle of Humanism

(1) A sentence or measures of criminal-legal influence must be inflicted upon a person who has committed a crime for his correction and prevention of new crimes.

(2) A sentence and other measures of criminal-legal influence imposed on a person who has committed a crime, may not be aimed at causing physical sufferings or humiliating dignity.

Article 10. Principle of Democracy

In cases, provided for by the Criminal Code, political parties, public unions, self-government institutions or collectives are involved in correcting persons who have committed crimes according to their applications and with their consent.

Article 11. Ground of Criminal Liability

Commitment of a dangerous act containing all elements of a crime specified by the present Code is the only ground of criminal liability.

CHAPTER 2. Territorial Application of the Criminal Law and Question of its Retroactivity

Article 12. Duration of the Criminal Law

(1) Criminality and punishability of an act must be defined by the law being in force at the time it was committed.

(2) Time of committing a crime is deemed to be time of executing a dangerous act irrespective of time of coming consequences.

Article 13. Retroactive Effect of the Criminal Law

(1) The criminal law eliminating criminality of an act, mitigating a sentence or improving condition of a person who committed a crime, is retroactive, i.e. it affects persons who committed a crime before such law came into legal force, including persons who are serving sentence or have already served but have criminal record. From the moment the law eliminating criminality of an act came into legal force, the act committed before its coming into force, is not considered to be criminal.

(2) If a new criminal law mitigates punishability of an act, for which a person is serving his sentence, this sentence is liable to reducing in accordance with the high limit of the sanction of the newly issued criminal law.

(3) The criminal law establishing criminality of an act, aggravating a sentence or adversely affecting a person who committed this act is not retroactive.

Article 14. Operation of the Criminal Law in Regard to Persons Who Committed Crimes in the Territory of the Republic of Tajikistan

(1) Anyone who committed a crime in the territory of the Republic of Tajikistan is liable to be punished according to the present Code.

(2) A crime committed in the territory of the Republic of Tajikistan should be considered such an act, which:

- a) was started, continued or completed in the territory of the Republic of Tajikistan;
- b) was committed outside the Republic Tajikistan, but criminal result turned out to come on its territory;
- c) was committed in the territory of the Republic Tajikistan, but criminal result came outside the republic;
- d) was committed in complicity with persons who implemented criminal activity in the territory of any other state.

(3) The criminal legislation of the Republic Tajikistan acts independently of *lex loci delicti commissi* in regard to socially dangerous acts committed in the air-craft or river boat under the flag or other marks of the Republic Tajikistan.

(4) If a crime is committed in the territory of the Republic Tajikistan by diplomatic representatives of foreign countries or other citizens who have immunity, the question of criminal liability is decided on the basis of norms of International law.

Article 15. Application of the Criminal Law in Regard to Persons who Committed Crimes outside the Republic of Tajikistan

(1) Citizens of the Republic Tajikistan and permanent residents without citizenship are liable to criminal responsibility for crimes committed outside the Republic Tajikistan in conformity with this Code in case if they were not punished under the court verdict of any other state.

(2) Foreign citizens and persons without citizenship not living constantly in the Republic Tajikistan are liable to criminal proceedings for crimes committed outside the Republic Tajikistan according to the present Code in the following cases:

- a) if they committed a crime prescribed by norms of International law recognized by the Republic of Tajikistan or interstate treaties and agreements;
- b) if they committed a felony or an especially grievous crime against citizens of Tajikistan or interests of the Republic Tajikistan.

(3) These rules shall be applied if foreign citizens and persons without citizenship, who are not permanent residents, were not convicted in any other state.

Article 16. Criminal Extradition

(1) A citizen of the Republic Tajikistan who committed a crime in the territory of any other state is not liable to extradition to this state unless otherwise is provided for by interstate treaties or agreements.

(2) Foreign citizens and persons without citizenship who committed a crime outside the Republic Tajikistan but who are in its territory may be extradited to a foreign state for instituting criminal proceedings or serving a sentence in conformity with interstate treaties.

SECTION II. CRIME

CHAPTER 3. Concept and Classification of Crimes

Article 17. Concept of Crime

(1) Crime is a socially dangerous act (committed or omitted) prohibited by the present Code under the threat of imposing a sentence.

(2) An act or omission although formally containing the elements of a crime specified by the present Code but which does not imply social danger due to its lesser effect, is not deemed to be a crime.

Article 18. Classification of Crimes

(1) Crimes are classified as petty misdemeanor, misdemeanor, felony and especially grievous crime, which are based on the character and degree of social danger.

(2) Intentionally committed crimes subject to a sentence of no more than two years of imprisonment , as provided for by the present Code, are considered to be petty misdemeanors.

(3) Intentionally committed crimes subject to a sentence of no more than five years of imprisonment, as provided for by this Code, are deemed to be misdemeanors.

(4) Intentionally committed crimes and acts subject to a sentence of no more than twelve years of imprisonment , as provided for by the Code, as well as careless crimes subject to a sentence of more than five years of imprisonment are deemed to be felonies.

(5) Intentionally committed crimes subject to a sentence of more than twelve years or stricter punishment, as provided for by the Code, are deemed to be especially grievous crimes.

Article 19. Return to Crime

(1) Return to crime means commission of two or more crimes at different time, provided for by the same article or part of the article of the present Code.

(2) Commission of two or more crimes provided for by different articles of the present Code may be deemed to be return to crime only in cases specifically indicated in the Special Part of the Criminal Code.

(3) While determining return to crime, crimes committed by a person who was released or is liable to release from criminal liability or penalty, or criminal record for these crimes was canceled or quashed according to the order established by the law are not taken into account.

(4) A crime consisting of identical criminal acts combined by common intent and directed to common aim, which compose one crime shall not be deemed return to crime.

(5) A crime consisting in long non-fulfillment of obligations and resulting in continuous commission of one crime shall not be deemed return to crime.

Article 20. Cumulative Crimes

(1) Cumulation of crimes means commission of two or more crimes provided for by different articles or parts of the same article of the Special Part of this Code , for neither of which a person was sentenced. In this case crimes for which a person was released from criminal liability according to grounds established by the law are not considered.

(2) One act (omission) containing elements of a crime provided for by two or more articles of the present Code is also considered to be cumulative crimes.

(3) In case of cumulative crimes a person bears responsibility for each committed crime according to the corresponding article or part of the present Code.

Article 21 . Repeated Relapse into Crime. Recidivism.

(1) Repeated relapse into crime means commission of a new intentional crime by a person who has been sentenced before for an intentionally committed crime.

(2) Repeated relapse into crime is considered to be dangerous:

a) when committing an intentional crime, for which a person is sentenced to imprisonment if the person has been convicted to deprivation of freedom before not less than twice for an intentional crime;

b) when committing a felony if a person has been already sentenced to imprisonment for a felony or an especially grievous crime;

c) when committing an especially grievous crime if a person has been sentenced to imprisonment before for a felony.

(3) Recidivism is deemed to be especially dangerous:

a) when committing an intentional crime by a person who is sentenced to imprisonment if the person has been convicted to deprivation of freedom before not less than three times for a misdemeanor, felony or an especially grievous crime;

b) when committing a felony by a person who is sentenced to imprisonment if this person has been condemned to deprivation of liberty before twice for a felony;

c) when committing an especially grievous crime by a person who has been sentenced before for an especially grievous crime or has been convicted twice for a felony.

(4) Criminal record for a crime committed at the age under 18 years old as well as criminal records canceled or quashed according to the order stipulated by Article 86 of the present Code are not taken into account when determining repeated relapse into crime.

(5) Recidivism of crimes entails a stricter penalty on the basis and in the limits provided for by the present Code.

CHAPTER 4. Persons Who Are Liable to Criminal Liability

Article 22. General Grounds of Criminal Liability

Only sane natural person reached the age provided for by the present Code is liable to criminal liability.

Article 23. Criminal Liability of Minors

(1) A person who has attained the age of 16 years old by the time of committing a crime is liable to criminal responsibility.

(2) Persons reached the age of 14 years old by the time of committing a crime are liable to criminal liability for homicide (Article 104), intentional major bodily injury (Article 110), intentional minor bodily injury (Article 111), kidnapping (Article 130), rape (Article 138), forcible act of sexual character (Article 139), terrorism (Article 179), capture of hostage (Article 181), theft of weapons, ammunition and explosives (Article 199), illegal trafficking of narcotics (Article 200), theft of drugs and precursors (Article 202), illegal cultivating of plants containing narcotic substances (Article 204), destruction of transport or ways of communication (Article 214), hooliganism under aggravating circumstances (Article 237, p.2 and 3), larceny (Article 244), robbery (Article 248), extortion (Article 250), robbery with extreme violence (249), hi-jacking of a vehicle or other means of transportation without the purpose of stealing (Article 252), intentional damaging or destruction of property under aggravating circumstances (Article 255).

(3) In separate cases provided for by the Special Part of the Code only persons reached more than 16 years old are liable to criminal liability.

Article 24. Criminal Incapacity

(1) A person shall not be subject to criminal liability, who, at the time when committing a socially dangerous act, was in a state of irresponsibility, i.e. could not account for his actions or direct them as a consequence of a chronic mental disease, temporary mental derangement, weak-mindedness or other state of mental disease.

(2) Compulsory measures of medical character prescribed by the present Code may be imposed on a person who committed an especially dangerous act in a state of irresponsibility.

(3) A person shall not be subject to a sentence, who committed a crime in the state of responsibility but before passing a sentence has fallen ill with a mental disease and he was not able to realize the danger of his act (omission) or direct them. Compulsory measures of medical character may be inflicted upon such person, but after his recovery he may be liable to punishment.

Article 25. Criminal Liability of Persons who Have Mental Derangements not Excluding Sanity (Limited Responsibility)

(1) A person who was sane at the time when committing a crime, but had limited capacity to realize the significance of his acts or direct them as a consequence of his mental derangement is liable to criminal responsibility.

(2) The state of limited responsibility is taken into account when imposing a penalty and may be served as a ground for prescribing compulsory measures of medical character.

Article 26. Criminal Liability of Persons who Committed a Crime in the State of Intoxication

(1) A person who committed a crime in a state of intoxication caused by use of alcohol and drugs shall not be released from criminal liability.

(2) In case of committing a crime by a drunkard or drug addict the Court along with a sentence may impose compulsory measures of medical character provided for by the present Code.

CHAPTER 5. Guilt

Article 27. Form of Guilt

(1) A person who committed an act intentionally or through carelessness is found to be guilty of a crime.

(2) An act committed through carelessness shall be deemed to be a crime only in the case if it is specially provided for by the corresponding article of the Special Part of the Code.

Article 28. Intentionally Committed Crimes

(1) A crime committed intentionally is deemed to be an act committed with general and specific intent.

(2) A crime is deemed to be committed with specific intent if the defendant realized the social danger of his act (omission), foresaw its socially dangerous consequences and intended to produce these consequences.

(3) A crime is considered to be committed with general intent if the defendant realized the socially dangerous character of his act (omission), foresaw its socially dangerous consequences, didn't intend to produce these consequences but deliberately allowed them.

Article 29. Crimes Committed Due to Imprudence

(1) A crime committed due to imprudence is deemed to be a socially dangerous act committed due to conceit or negligence.

(2) A crime is deemed to be committed due to conceit if a person who committed it foresaw the possibility of the socially dangerous consequences of his act or omission, but deliberately not keeping precautionary measures he hoped that these consequences would be prevented.

(3) A crime is considered to be committed due to negligence if a person who committed it didn't foresee the possibility of the socially dangerous consequences of his act or omission, though being attentive and far-sighted he should have been foreseen and could have been foreseen them.

Article 30. Responsibility for a Crime Committed with Two Forms of Guilt

If a person causes other socially dangerous consequences due to imprudence when committing an intentional crime, for which the person bears higher liability, such crime is deemed to be committed intentionally.

Article 31. Guiltless Injurious Action (Accident)

An act is deemed to be committed by accident if a person who committed it didn't realize, shouldn't or couldn't realize the social danger of his act (omission), or he didn't foresee the possibility of socially dangerous consequences, under circumstances of the case shouldn't or couldn't foresee them.

CHAPTER 6. Unfinished and Completed Crime

Article 32. Preparation for a Crime and an Attempt to Commit a Crime

(1) Finding, making and adapting the means and instruments, finding of accessories, collusion to commit a crime, or creation of other conditions with the intent to commit a crime, if it failed to be completed owing to circumstances beyond a person's control shall be deemed to be preparation for a crime.

(2) A person bears criminal liability only for preparation of a misdemeanor, felony or especially grievous crime.

(3) An intentional act (omission) of a person actually aimed at committing a crime if it failed to be completed owing to circumstances beyond the person's control is deemed to be attempt to commit a crime.

(4) Liability for preparation for a crime or an attempt to commit a crime shall be assigned as provided for by that part of the article of the Special Part of the Code which deals with completed crimes with reference to the present article.

Article 33. Completed Crime

A crime is considered to be completed if an act committed by a person contains all elements of a crime provided for by the present Code.

Article 34. Voluntary Abandonment of the Project to Commit a Crime

(1) Voluntary and final termination of preparatory actions by a person or termination of acts (omission) directly aimed at committing of a crime if the person realized the possibility to complete a crime, is deemed to be voluntary abandonment of the project to commit a crime.

(2) A person is not liable to criminal responsibility for a crime if he voluntarily and finally abandoned the project to complete it .

(3) A person who voluntarily abandoned a project to complete a crime shall be subject to criminal liability only in the case if an act actually committed by him contains formal elements of a definition of another crime.

(4) An organizer of a crime and an abettor shall be released from criminal liability if they undertook all possible measures to prevent commission of the crime. An accessory is not liable to criminal responsibility if before completing a crime he will refuse a perpetrator to assist him in committing the crime or will eliminate the results of the assistance rendered by him before.

(5) If actions of an organizer, abettor and accessory didn't lead to prevention of a crime, measures taken by them may be considered as extenuating circumstances when imposing a penalty.

CHAPTER 7. Complicity

Article 35. Concept of Complicity

The intentional joint involvement of two or more persons in a crime is deemed to be complicity.

Article 36. Kinds of Accomplices

(1) Perpetrators of a crime, as well as organizers, abettors and accessories are deemed to be accomplices.

(2) A person who actually committed a crime, or who was actually involved in a crime with other persons, as well as a person who committed a crime with the aid of other persons not subject to criminal liability shall be deemed to be a perpetrator.

(3) A person who organized commission of a crime or directed it, as well as a person who created an organized group or confederacy shall be deemed to be an organizer.

(4) A person who incited another person to commit a crime by his persuasion, bribery or threat shall be deemed to be an abettor.

(5) A person who promoted commission of a crime by advises, instructions, information, providing with instruments and weapons or eliminating obstacles, as well as a person who promised beforehand to conceal an offender, weapons or instruments , or a person who promised to purchase or sell such articles, shall be deemed to be an accessory.

Article 37. Criminal Liability of Accomplices

(1) Liability of accomplices of a crime is determined by the character and degree of the actual involvement of each of them in the commission of a crime.

(2) Co-authors bear liability under the same article of the present Code for a jointly committed crime.

(3) An organizer, abettor and accessory are liable to responsibility under the article specifying a sentence for a crime committed with reference to Article 36 of this Code.

(4) A person who is not a subject of a crime specially indicated in the article of the Special Part of the Code, but was involved in the crime provided for by this article , may bear liability for this crime only as an organizer, abettor or accessory.

(5) If a perpetrator doesn't complete a crime owing to circumstances beyond his control other accomplices of the crime bear responsibility for complicity in the preparation for the crime or in the attempt to commit the crime.

(6) If an organizer, abettor or accessory fail in their actions owing to circumstances beyond their control they will be liable for the preparation for a crime.

Article 38. Commission of a Crime more Serious than Originally Agreed upon by Conspirators

The commission of a crime more serious than originally agreed upon by conspirators is deemed to be commitment of a crime without intent of other accomplices. Other accomplices of a crime are not liable to criminal responsibility for the commission of a crime more serious than originally agreed upon by conspirators.

Article 39. Commission of a Crime by a Group of Persons, Organized Group or Confederacy (Criminal Organization)

(1) A crime is considered to be committed by a group of persons without preliminary collusion if perpetrators being involved in a crime didn't arrange about it beforehand.

(2) A crime is considered to be committed by a group of persons by preliminary collusion if perpetrators being involved in a crime arranged beforehand to commit it jointly.

(3) A crime is deemed to be committed by an organized group if it was committed by a stable group of persons who united beforehand for committing one or several crimes.

(4) A confederacy is deemed to be unification of two or several criminal groups

for the purpose of repeated commission of felonies and especially grievous crimes , its activity is based on division of functions of control and execution of criminal aims between members of the confederacy and its structures.

(5) A crime is deemed to be committed by a confederacy if it was committed by a member (members) of such confederacy for fulfilling its criminal aims, as well as on the instructions of the confederacy by a person who is not the member of this confederacy.

(6) A person who has established an organized group or confederacy shall be subject to criminal liability in cases provided for by corresponding articles of the Special Part, as well as he shall bear criminal liability for all crimes committed by his intent. Other members of the confederacy or organized group bear criminal liability for participation in them and for crimes in which they were involved.

(7) Formation of an organized criminal group in the cases not provided by articles of the Special Part of the Code entails criminal liability for the preparation for those crimes for committing of which it is established.

(8) Persons indicated in the present article bear liability without reference to Article 37 of the General Part of the Code.

If an offender of a criminal organization or group appears voluntarily before law enforcement bodies and renders an active assistance in exposing criminal premeditation before committing a crime, he is not liable to a sentence.

CHAPTER 8. Circumstances Excluding Criminality of Acts

Article 40. Justifiable Defense

(1) An act shall not be deemed to be a crime when an aggressor is injured in the course of justifiable defense, i.e. when protecting a person's life, health, rights, interests of the society or state from a socially dangerous offense, provided that the limits of the justifiable defense were not exceeded.

(2) The right to justifiable defense belongs to a person regardless of his possibility to avoid an offense, professional training and position.

(3) An intentional act not corresponding to the character and degree of the social danger of an offense is deemed to be an excessive use of force.

(4) An intentional provocation of an offense in order to do damage is not deemed to be justifiable defense.

Article 41. Bodily Injury Caused to a Criminal in the Course of Seizure

(1) An act is not deemed to be a crime when a criminal is injured in the course of seizure in order to hand over the detained person to the law enforcement bodies or prevent him from committing new crimes if it wasn't possible to seize the criminal by any other means and there wasn't an excess of necessary measures.

(2) An excess of measures being necessary for seizing a criminal is deemed to be an obvious discrepancy between measures taken for the detention and the character of a criminal act, degree of the social danger of the act committed by the detained and circumstances of the detention.

(3) Victims and other citizens also have the right to seize a person who committed a crime.

(4) Appraising lawfulness of an injurious action while seizing a criminal, his acts in order to avoid seizure, his emotional state and other circumstances connected with the fact of seizure are taken into consideration.

Article 42. Extreme Necessity

(1) An act shall not be deemed to be a crime when interests protected by the present Code are violated due to an extreme necessity, i.e. in order to eliminate a danger threatening a person's life, health, rights, interests of the society and state if this danger couldn't be eliminated by any other means and the harm caused is less significant than the harm prevented.

(2) An excess of extreme necessity is deemed to be an injurious action not corresponding to the character and degree of the danger, and circumstances under which the danger was eliminated when the harm caused was equal or more significant than the harm prevented. Such excess involves criminal liability only in the event if an injurious action is committed intentionally.

(3) When estimating lawfulness of an act committed in the state of extreme necessity the character and degree of the danger, actual possibility and reality of its coming, real possibility of a person in order to prevent it, his emotional state and other circumstances are taken into account.

Article 43. Physical or Mental Coercion

(1) Any injury to the interests protected by the present Code in the course of physical or mental coercion if a person couldn't direct his acts in consequence of such coercion, shall not be deemed to be a crime.

(2) The question of criminal liability for injuring interests protected by the present Code in the course of physical and mental coercion, in consequence of which a person had the possibility to direct his acts, is decided with regard to the provision of Article 42 of the present Code.

Article 44. Justified Risk

(1) Any injury to the interests protected by the present Code in order to achieve a socially useful goal when the risk is justified , shall not be deemed to be a crime.

(2) Risk shall be deemed to be justified if there was no other way to achieve the goal other than by acts (omission) containing a certain risk, and a person, who did it, took all necessary measures to avoid the injury caused against the interests protected by the present Code.

(3) Risk shall be deemed not to be justified if it wittingly implied a threat against people's lives, ecological calamity, or other grave consequences.

Article 45. Execution of an Order or Instruction

(1) Any injury to the interests protected by the criminal law caused by a person while executing an order or other commands, issued in the established order, is not deemed to be a crime. A person, who issued an illegal order or command, bears criminal liability for such injury.

(2) A person, who committed an intentional crime by order or other command being aware of its criminal nature shall be criminally liable on a universal basis.

(3) A person shall not be criminally liable when refusing to execute an unlawful order.

SECTION III. Sentence

CHAPTER 9. Concept, Purposes and Types of Sentences

Article 46. Concept and Purposes of Sentencing

(1) A sentence is a measure of the state compulsion imposed by the pronouncement of a Court. It is inflicted upon a person who found guilty of committing a crime and consists of deprivation or limitation of an offender's rights and freedoms as provided for by the Code.

(2) A sentence is inflicted for the purpose of social justice, correction of offenders and prevention of new crimes.

Article 47. Types of Sentences

The following types of sentences shall be applied to offenders:

- a) fine;
- b) deprivation of the right to hold a specific position or be engaged in a specific activity;
- c) deprivation of a special military rank;
- e) correctional labor;
- f) service restriction;
- g) limitation of freedom;
- h) confinement;
- i) keeping in a disciplinary battalion;
- j) confiscation of property;
- k) deprivation of freedom (imprisonment);
- l) death penalty.

Article 48. Principal and Supplementary Sentences

- (1) Such measures as correctional labor, military service restriction, limitation of freedom, confinement, keeping in a disciplinary battalion, imprisonment, capital punishment are applied to offenders as the principal types of sentences.
- (2) Such measures as fine, deprivation of the right to hold a specific position or to be engaged in a specific activity are applied to offenders both as the principal and supplementary types of sentences .
- (3) A fine as an additional sentence may be applied with the purpose of compensation for moral and physical damages to a victim.
- (4) Such measures as deprivation of a military or special rank, as well as confiscation of property are enforced only as supplementary sentences.
- (5) An additional sentence imposed by a Court may not be stricter than a principal sentence.
- (6) Only one principal penalty may be imposed for one crime. One or several supplementary sentences may be added to a principal sentence in the cases and order provided for by the Code.
- (7) Fines and confiscation of property may be imposed as supplementary sentences only in the cases directly prescribed by the Special Part of the Code.

Article 49. Fines

- (1) A fine is a pecuniary punishment imposed within the limits provided for by the present Code.
- (2) The amount of a fine is determined from 100 to 2000 times the minimum monthly wage.
- (3) The amount of a fine is specified by the Court and depends on the type and significance of the crime and the Court shall take into account the financial condition of the offender.
- (4) A fine subject to collection in order to compensate moral and physical damage is determined within the limits stipulated by the present article for the following crimes:
 - a) petty misdemeanor - not less than two hundreds times the current minimum monthly wage;
 - b) misdemeanor - not less than four hundreds times the current minimum monthly wage;
 - c) felony - not less than six hundreds times the current minimum monthly wage;
 - d) especially grievous crime - not less than eight hundreds times the current minimum monthly wage.
- (5) In the event an offender avoids to pay a fine or he is unable to do it, the Court may change the sentence to correctional labor or confinement.

Article 50. Deprivation of the Right to Hold a Specific Position or be Engaged in a Specific Activity

- (1) Deprivation of the right to hold a specific position or be engaged in a specific activity consists in prohibition to hold a position on the state service, in the institutions of local self-government, at enterprises of any form of property and in public organizations, or be engaged in a specific professional or another activity.
- (2) Deprivation of the right to hold a specific position or be engaged in a specific activity is determined for a period from 1 year till 10 years for an intentional crime and from 1 year till 5 years for a careless crime as the principal sentence, and for a period of 1 year to 5 years as the additional sentence.
- (3) Deprivation of the right to hold a specific position or be engaged in a specific activity may be imposed by the Court as the additional sentence only in the cases when this type of the sentence is prescribed by the corresponding article of the Special Part of the present Code, and if proceeding from the character of the crime and information about a guilty person, the Court considers it is impossible to reserve for himself the right to hold a specific position or be engaged in a specific activity.

(4) When imposing this sentence as a supplement to confinement, detention in a disciplinary battalion or deprivation of freedom it shall be effective during the whole term of the principal sentence, as well as for a period of time determined by the verdict. In other cases, including sentence in the form of probation, it shall start to be calculated from the date that the verdict becomes effective.

Article 51. Deprivation of a Special Military Rank

A person sentenced for a felony or an especially grievous crime, and who has a military or special rank, may be deprived of such rank by the court's verdict.

Article 52. Correctional Labor

(1) Correctional labor is imposed for a period of 2 months to 2 years, and it is served at the place of an offender's work or at another place but in the offender's area of residence; a fine for public revenue in the amount from 20 to 50 % is imposed on the wages of the offender.

(2) The Court may substitute correctional labor with a fine for disabled persons, and the fine is imposed in the amount of the minimum payment for monthly correctional labor.

(3) In case of malicious avoidance of correctional labor the Court may substitute the unserved period of correctional labor with confinement or imprisonment: one day of confinement is calculated as two days of correctional labor, or one day of imprisonment is calculated as three days of correctional labor.

(4) Correctional labor may not be imposed on :

- a) servicemen;
- b) individuals under the age of 16 ;
- c) women aged over 55 and men aged over 60 ;
- d) pregnant women;
- e) persons being on leave for taking care of a child ;
- f) invalids of the first and second groups.

Article 53. Service restrictions

(1) Service restrictions are imposed on military officers for a period from 2 months till 2 years in cases specified by articles of the Special Part of the Code when committing military crimes, and when the Court finds it appropriate to impose a service restriction penalty instead of correctional labor.

(2) A fine for public revenue in the amount from 20 to 50 % determined by the judicial sentence is imposed on the wage of an individual sentenced to service restrictions.

(3) During the period of serving the penalty an offender cannot be promoted or given a higher military rank, and the term of the penalty is not included in the length of service for awarding the next military rank.

Article 54. Restriction of Liberty

(1) Restriction of liberty means keeping an individual in colony-living area without isolation from society in conditions of exercising control over him for a period of 1 to 5 years.

(2) In case of substitution of correctional labor for restriction of liberty it may be imposed for a period of less than 1 year.

(3) In case of malicious avoidance of restriction of liberty it may be substituted for imprisonment for the period of restriction of liberty by the decision of court. The unserved period of restriction of liberty is calculated in the period of imprisonment: one day of imprisonment is equal to one day of restriction of liberty.

Article 55. Confinement

- (1) Confinement means keeping an individual in conditions of strict isolation.
- (2) Confinement is imposed for a period of 1 to 6 months.
- (3) In case of imposing confinement instead of correctional labor , it may be inflicted for a period not exceeding one month.
- (4) Servicemen serve confinement in the guard-room.

Article 56. Serving in a Disciplinary Battalion

- (1) Serving in a disciplinary battalion is imposed on servicemen for a period of 3 months to 2 years in cases specified by corresponding articles of the Special Part of the present Code for committing crimes against military service, as well as in cases when the Court considering the circumstances of a crime and the character of the offender finds it appropriate to impose the penalty of serving in a disciplinary battalion instead of imprisonment for a period not exceeding 2 years.
- (2) Keeping in a disciplinary battalion instead of imprisonment may not be imposed on persons who have been sentenced to imprisonment before.
- (3) Serving in a disciplinary battalion is not inflicted upon servicemen who are found to be unfit for service because of health, or who are released from military service under another circumstances.
- (4) When serving in a disciplinary battalion is imposed instead of imprisonment the term of keeping in a disciplinary battalion is determined as one day of imprisonment is equal to one day of keeping in a disciplinary battalion.

Article 57. Confiscation of Property

- (1) Confiscation of property means final, uncompensated taking by the State of all or part of the belongings which are the property of the offender.
- (2) Confiscation of property is prescribed for felonies or especially grievous crimes committed with mercenary motives , and it may be imposed by a Court only in cases provided for by corresponding articles of the Special Part of the Code.
- (3) Belongings being necessary for the convict and his dependents are not subject to confiscation according to the list specified by the criminal executive Code of the Republic Tajikistan.

Article 58. Deprivation of Freedom (Imprisonment)

- (1) Deprivation of freedom means isolation of a convicted person by keeping him in a correctional colony under general, strict, especially strict regimes or in prison. Individuals who haven't reached the age of 18 years old when the verdict is pronounced are sentenced to serve the penalty in correctional facilities of general or intensified regime in the order established by Section V of the present Code.
- (2) Deprivation of freedom may be imposed for a period of 6 months to 20 years.
- (3) In case of substitution of deprivation of freedom for correctional labor or restriction of freedom it may be imposed for a period of less than 6 months.
- (4) In case of partial or full cumulation of terms of imprisonment when imposing a sentence according to cumulative crimes the maximum term of deprivation of freedom must not exceed 25 years.
- (5) Men convicted to imprisonment shall serve the sentence in the following facilities:
 - a) those who committed a crime due to negligence and were deprived of freedom for a period of no more than 5 years - serve in correctional facilities;

b) those sentenced for a first offense for intentional crimes such as petty misdemeanors, misdemeanors, as well as those who committed a crime through carelessness and were deprived of freedom for a period of more than 5 years - serve in facilities of general regime.

c) those sentenced for a first offense for felonies - in facilities of intensified regime.

d) individuals convicted to imprisonment for especially grievous crimes for the first time, as well as in the event of recidivism - serve in facilities of strict regime;

e) especially dangerous recidivists - serve in facilities of especially strict regime;

f) individuals sentenced for especially grievous crimes for a period of more than 10 years, as well as in cases of especially dangerous recidivism, may serve not more than 5 years in prison.

(6) Women convicted to imprisonment shall serve the sentence in the following correctional facilities:

a) in the event of especially dangerous recidivism - serve in facilities of strict regime;

b) those sentenced for crimes committed on the basis of neglectful conduct - serve in correctional facilities-settlements;

c) others sentenced to imprisonment - serve in facilities of general regime.

(7) Depending on the character and degree of social danger of a crime, personality of a guilty person and other circumstances, the Court may impose a less strict type of facilities for serving the sentence in the form of imprisonment.

(8) A Court may change types of correctional facilities imposed by a verdict in accordance with the criminal executive code of the Republic Tajikistan.

Article 59. Capital Punishment

(1) Capital punishment (by shooting) is imposed for aggressive war (Article 395, p. II), genocide (Article 398), biocide (Article 399), homicide (Article 104, p. II), rape (Article 138, p. III), terrorism (Article 179, p. IV), illegal trafficking of narcotics (Article 200, p. III), illegal cultivation of plants containing narcotic substances (Article 204), forcible seizure of power or forcible keeping of power (Article 306), encroachment on life of a statesman of the Republic Tajikistan (Article 310), intentional violation of norms of the international humanitarian law committed in the course of an armed conflict (Article 403, p.II).

(2) Minors under the age of 18 and women who have committed crimes are not subject to capital punishment.

(3) In case of a pardon death penalty may be changed to deprivation of freedom for a period of 25 years.

CHAPTER 10. Imposition of Sentence

Article 60. General Principles of Imposition of Sentence

(1) An individual who has committed a crime is subject to a fair sentence within the limits specified by articles of the Special Part and according to the provisions of the General Part of this Code.

(2) A more severe type of sentence for a crime committed shall be imposed only in case if purposes of sentence cannot be achieved by imposing a less strict type of sentence.

(3) When imposing a sentence the court shall consider the character and degree of public danger of the committed crime, motives for the crime, personality of the offender, character and scope of the harm caused, mitigating and aggravating circumstances.

Article 61. Mitigating Circumstances

(1) The following circumstances are considered to be mitigating :

- a) commitment of a crime for the first time;
- b) minority of an offender;
- c) pregnancy;
- d) if an offender has infants;
- e) commitment of a crime due to difficult individual, family or other circumstances;
- f) commitment of a crime under the influence of strong mental disturbance caused by duress, heavy insult or other wrongful acts of the victim;
- g) commitment of a crime under conditions of excess of justifiable defense, emergency, or during the detention of an individual who has committed a crime, in the case of justifiable risk, or execution of an order;
- h) commitment of a crime under the influence of threat or force, or because of financial, official or other dependence;
- i) surrender, frank repentance, active assistance in the discovery of the crime;
- j) rendering medical or other assistance to a victim after committing a crime, voluntary recovery of damages or losses;

(2) If a circumstance indicated in part 1 of the present article is stipulated by the corresponding article of the present Code as an element of crime, it may not repeatedly be taken into account as a mitigating circumstance.

(3) When imposing a sentence other circumstances not pointed in the present article, part 1 may be considered to be mitigating.

Article 62. Aggravating Circumstances

(1) The following circumstances are considered to be aggravating:

- a) return to crime, recidivism ;
- b) commitment of a crime which causes grave consequences;
- c) commitment of a crime by an organized criminal group or criminal conspiracy;
- d) especially active role in committing a crime;
- e) commitment of a crime using individuals who knowingly suffer from a mental disease, or who are in the state of intoxication, as well as minors;
- f) commitment of a crime on the basis of national or religious hostility, revenge for lawful acts of other persons, and with the purpose to hide another crime;
- g) commitment of a crime against a woman when the defendant had knowledge of the victim's pregnancy, as well as against a minor , an individual who is in a helpless condition, or against an individual having dependence on the defendant;
- h) commitment of a crime in connection with the victim's execution of his official or public duty, or in regard to his close relatives;
- i) commitment of a crime by a person who broke the oath taken or professional oath;
- j) commitment of a crime with extreme brutality or humiliation;

- k) commitment of a crime using arms, ammunitions and explosives,
- l) commitment of a crime under conditions of emergency, social disaster, as well as under conditions of mass disorders;
- m) commitment of a crime in the state of alcoholic and narcotic intoxication;
- n) commitment of an intentional crime in regard to parents;
- o) commitment of a crime on the basis of mercenary or other vile motives.

(2) Depending on the character of the crime a court may not consider circumstances specified in the present article, items "m" and "n" to be aggravating.

(3) Aggravating circumstances specified by the present article , part 1 as an element of the crime shall not be reconsidered when imposing a sentence.

(4) When imposing a sentence a court may not consider circumstances not specified in the present Code to be aggravating.

Article 63. Mitigating a Sentence

(1) The Court, considering circumstances of the case which substantially diminish the degree of public danger of the act, and the character of the offender, and acknowledging the desirability of imposing a lesser sentence than the minimum sentence specified by the corresponding article of the Special Part of the Code, may mitigate the sentence, or may not impose a supplemental sentence which is obligatory under the articles of the Special Part of the present Code.

(2) Some mitigating circumstances or such circumstances in their entirety may be deemed to be exceptional.

(3) Two and more circumstances specified by law as circumstances mitigating a sentence if they substantially diminish the degree of public danger of the crime may be also considered to be exceptional.

Article 64. Sentencing for Crime Preparations, Criminal Attempt

(1) When imposing a sentence for crime preparations and criminal attempt the Court shall consider the circumstances which prevented the crime from being executed.

(2) The term or length of the sentence for crime preparations may not exceed a half of the maximum term or length of stricter sentence for the crime being executed specified by the corresponding article of the Special Part of the present Code.

(3) The term or length for criminal attempt may not exceed 3/4 of the maximum term or length of stricter sentence for the crime being executed provided for by the corresponding article of the Special Part of the Code.

(4) Death penalty is not imposed for crime preparations and criminal attempt.

Article 65. Sentencing for Complicity In Crime

(1) When determining a sentence for accessories the Court shall consider the character and the degree of involvement of each person in the commitment of the crime.

(2) Mitigating and aggravating circumstances for each individual accessory are considered by the Court only when sentencing that particular accessory.

Article 66. Sentencing for Repeated Relapse Into Crime (Recidivism)

(1) The number, character and degree of public danger of the crimes committed before, circumstances due to which the correctional influence of the previous sentence was not sufficient, as well as the character and degree of public danger of newly committed crimes are considered while sentencing for recidivism, dangerous recidivism and especially dangerous recidivism.

(2) The term of sentence for recidivism cannot be less than a half of the maximum term of the most strict type of sentence provided for the crime committed, for dangerous recidivism - not less than 2/3, for especially dangerous recidivism - not less than 3/4 of the maximum term of the most strict type of sentence provided for the crime committed.

(3) If an article (part of an article) of the Special Part of the present Code contains an indication of criminal record of a person who committed a crime as qualifying element, as well as when having the exceptional circumstances provided for by Article 64 of the present Code, the sentence for recidivism, dangerous recidivism and especially dangerous recidivism is imposed not taking into account rules specified by the present article, part 2.

Article 67. Sentencing for Cumulative Crimes

(1) In case of cumulative crimes the Court, imposing a sentence (principal and supplementary) for each crime taken separately, determines the final sentence merging a less strict sentence by stricter one, or by full or partial cumulating sentences being determined.

(2) If cumulative crimes consist only of petty misdemeanors, the final sentence is determined by merging a less strict sentence by stricter one, or by full or partial cumulating sentences. In these cases when cumulating the final sentence may not exceed the maximum sentence provided for the most grievous crime among the crimes being committed.

(3) If cumulative crimes consist only of misdemeanors, felonies or especially grievous crimes, the final sentence is determined by partial or full cumulating the sentences. In this case the final sentence as imprisonment may not exceed 25 years.

(4) Supplementary sentences imposed for cumulative crimes may be added to the principal sentence determined for cumulative crimes. The final additional sentence while partial or full cumulating may not exceed the maximum term or length specified for this type of sentence by the General Part of the Code.

(5) According to the rules specified by the present Article the sentence is determined if after passing the sentence it will be proved that the convicted person is guilty of another crime committed by him before passing the sentence on the first case. In this case the sentence served according to the first court verdict is included to the final period of the sentence.

Article 68. Determination of Cumulative Sentences

(1) If a convicted person after passing the sentence, but before completion of the term of the sentence commits another crime, the Court adds partly or fully the unserved portion of the previous sentence to the new sentence.

(2) The final punishment on cumulative sentences, in case if it is not connected with imprisonment, may not exceed the maximum limits specified for such types of sentences by the General Part of the present Code.

(3) The final punishment on cumulative sentences as imprisonment may not exceed 25 years.

(4) The final punishment on cumulative sentences shall exceed both the sentence determined for the newly committed crime and the unserved part of the previous sentence.

(5) Non-executed supplementary sentences passed according to the previous verdict shall be added to the principal sentence in conformity with the rules provided for by Article 67 of the present Code.

Article 69. Order for Determining Cumulative Sentences

(1) When determining the sentence for cumulative crimes and cumulative sentences one day of imprisonment is equal to :

- a) one day of confinement or service in a disciplinary battalion;
- b) 2 days of restriction of liberty;
- c) 3 days of correctional labor;

(2) Sentences in the form of a fine, deprivation of the right to hold certain positions or to be engaged in particular activities, property confiscation in conjunction with imprisonment, serving in a disciplinary battalion, confinement, service restrictions are executed independently.

Article 70. Determination of the Length of Sentence

(1) Terms of deprivation of the right to hold certain professional positions or to be engaged in particular activities, correctional labor, service restrictions, confinement, serving in a disciplinary battalion, imprisonment are determined in months and years.

(2) Change of sentence or cumulative sentence may be determined in days.

(3) While imposing the sentence on the convicted person being in custody pending trial in the form of a fine, deprivation of the right to hold certain professional positions or to be engaged in particular activities, the Court taking into account the term of serving in custody mitigates the determined sentence or fully releases the convicted person from serving the sentence.

(4) Custody pending trial is considered by the Court when determining the length of sentence. One day of custody pending trial is equal to:

- a) one day of imprisonment, confinement, or service in a disciplinary battalion;
- b) 2 days of service restrictions;
- c) 3 days of correctional labor;

(5) Custody pending trial or serving the sentence in the form of imprisonment determined by the Court for a crime committed abroad is calculated as one day for one day in case of extradition of a convicted person on the basis of Article 15 of the present Code.

(6) The time, during which compulsory measures of medical character were applied to the offender who has fallen with a mental disease after committing a crime, is included to the length of the sentence.

Article 71. Probation

(1) If the Court imposing the sentence in the form of correctional labor, service restrictions, serving in a disciplinary battalion, imprisonment makes a conclusion about the possibility of the offender's rehabilitation without serving his sentence but in conditions of control on the offender's conduct, it may order probation for the offender.

(2) When determining probation the Court considers the character and degree of public danger of the act committed, the character of the offender, mitigating and aggravating circumstances. Probation is not imposed on a person, who has been already sentenced to imprisonment for an intentional crime, or who has committed a felony or especially grievous crime.

(3) In case of probation the Court determines a probationary period, during which a convicted person must prove his correction. Probation is determined for a period of 1 to 5 years.

(4) Other penalties may be imposed in addition to probation, except for property confiscation.

(5) When sentencing to probation, the Court may force the offender to make restitution, to prohibit leaving the permanent place of residence, work or study without the notification of the law enforcement bodies, not to attend certain public places, to find work or to study, to undergo medical treatment for alcohol, drug abuse or venereal disease.

(6) If on the expiration of not less than a half of the probation period the offender proves his rehabilitation, the Court, upon the petition of the body responsible for control over the offender's conduct, may suspend the sentence and expunge criminal record.

(7) If the offender while on probation commits violations leading to administrative penalties, or doesn't perform the responsibilities imposed by the Court, it upon the petition of the bodies indicated in the present Article, p.6 may quash the probation and render a decision about serving the punishment prescribed by the sentence .

(8) If the offender commits an intentional crime while on probation, the Court shall revoke probation and impose sentencing according to the rules specified in Article 68 of the present Code.

(9) Control of the conduct of offenders on probation is carried out by the local law enforcement bodies, and in regard to servicemen - by the officials of the military units.

SECTION IV. Release From Criminal Liability and Sentence

CHAPTER 11. Release From Criminal Liability

Article 72. Release From Criminal Liability Due to Active Repentance

(1) A person, who has committed a petty misdemeanor for the first time, may be released from criminal liability, if after committing a crime he voluntarily appeared to the authorities, rendered assistance in exposing a crime, compensated the damage caused.

(2) A person, who has committed a crime of other category, under the conditions specified in the present article, part 1 is released from criminal liability only in cases provided for by the article of the Special Part of the present Code.

Article 73. Release From Criminal Liability Due to Conciliation With a Victim

A person, who has committed a petty misdemeanor, may be released from criminal liability, if he conciliated with an injured person and compensated the damage caused to the injured person.

Article 74. Release From Criminal Liability Due to Changes In the Situation

A defendant, who has committed a petty misdemeanor, may be released from criminal liability, if it is admitted that as a consequence of the change of conditions the committed crime has lost the character of public danger or the defendant has stopped being a public danger.

Article 75. Release From Criminal Liability In Consequence of Expiration of the Limitation Period

(1) An offender may be released from the sentence if from the date of the commitment of the crime, the following time has expired:

- a) 2 years - for commitment of petty misdemeanors;
- b) 6 years - for commitment of misdemeanors;
- c) 10 years - for commitment of felonies;
- d) 15 years - for commitment of especially grievous crimes.

(2) The limitation period is determined starting from the date of the commitment of the crime and running until the sentence comes into legal force.

(3) The running of the limitation period is interrupted if the offender escapes from the investigation or from the Court. In this case, the running of the limitation period is renewed starting from the moment of the seizure of the offender or his surrender.

(4) If the offender commits another misdemeanor, felony or especially grievous crime before the expiration of the limitation periods indicated in the present article, calculation of the limitation period begins from the date of the commitment of a felony, but limitation periods shall be calculated separately for each crime.

(5) Imposition of the limitation period to an offender who has committed a crime for which capital punishment may be imposed, is decided by the Court. If the Court considers it impossible to release the offender from criminal liability in consequence of the expiration of the limitation period, capital punishment is not imposed.

(6) A limitation period is not applied to a person who has committed a crime against the peace and safety of humankind.

CHAPTER 12. Release From Sentence

Article 76. Parole

(1) For a person who serves a sentence in the form of deprivation of the right to hold certain positions or be engaged in a specific activity, correctional labor, service restrictions, freedom limitations, imprisonment, or detention in a disciplinary battalion, the Court may award parole in cases of exemplary conduct and honest respect for work. In this case a defendant may also be partially or fully released from serving a supplemental sentence.

(2) When determining parole the Court may impose responsibilities specified by Article 71 of the present Code, which an offender must perform during the period of the unserved portion of the sentence.

(3) Parole may be granted only after the offender has actually served:

a) not less than a half of the sentence imposed by the Court for a petty misdemeanor and misdemeanor;

b) not less than $\frac{2}{3}$ of the sentence imposed by the Court for a felony;

c) not less than $\frac{3}{4}$ of the sentence imposed by the Court for an especially grievous crime, as well as the sentence determined to the offender paroled before, if the parole was canceled according to the grounds specified in part 6 of the present article.

(4) The period of the actually served sentence in the form of imprisonment cannot be less than 6 months.

(5) Control of the conduct of paroled offenders is carried out by the law enforcement bodies, and for servicemen - by the officials of the military units.

(6) If during the period of the unserved portion of the sentence:

a) a convicted person repeatedly commits offenses leading to administrative punishment in the form of confinement, or doesn't perform the responsibilities imposed by the Court, upon the petition of the bodies set forth in part 5 of the present article, will make a resolution about quashing the parole and executing the unserved part of the sentence;

b) a convicted person commits a crime, the Court will determine a sentence according to the rules provided for by Article 68 of the present Code.

(7) Parole is not granted to:

a) an offender whose sentence in the form of capital punishment has been changed to imprisonment by order of a pardon or amnesty;

b) especially dangerous recidivists;

c) an organizer, members of a conspiracy;

d) a person sentenced for a crime against the peace and safety of humankind.

Article 77. Mitigating a Sentence

(1) For an offender sentenced to imprisonment for a petty misdemeanor or misdemeanor, the Court, taking into account his conduct during serving the sentence, may mitigate the unserved part of the sentence. In this case an offender may be completely or partially released from serving a supplemental sentence.

(2) The Court may change the unserved portion of imprisonment to limitation of freedom or correctional labor, and the unserved part of limitation of freedom to correctional labor. In these cases a mitigated sentence is imposed within the limits of terms determined in the General Part of the present Code for this type of sentence and cannot exceed the unserved period of the sentence imposed by the Court.

(3) When mitigating the unserved part of the principal sentence, an offender may be released from a supplemental sentence as well.

(4) Changing the unserved part of a sentence by mitigation may be done for an offender who has actually served:

a) not less than 1/3 of the sentence for a petty misdemeanor or misdemeanor;

b) not less than 1/2 of the sentence imposed by the Court for a felony, and also if earlier the offender has been sentenced to imprisonment for an intentional crime;

c) not less than 2/3 of the sentence imposed by the Court for an especially grievous crime, and also the offender has been paroled before and who has committed another crime during the period of the unserved portion of the sentence.

(5) For offenders eligible for a mitigated sentence, parole may be granted according to the rules specified by Article 76 of the present Code.

(6) If a person serving a mitigated sentence commits another crime, the Court will add the unserved part of the mitigated sentence to the new sentence according to the rules stipulated by Article 68 of the Code.

(8) Changing the unserved part of a sentence by mitigation may not be done for offenders specified in Part 8 of Article 76 of the present Code.

Article 78. Release Pregnant Women And Women Having Children At the Age Under 3 Years Old From Serving a Sentence

(1) A court may release pregnant women and women with children at the age under 3 years old from serving a sentence except those who are sentenced to imprisonment for a period of more than 5 years for felonies and especially grievous crimes, but taking into account the limits of the term, for which a woman may be released from work by the acting legislation in connection with pregnancy, childbirth and until a child reaches the age of 3 years old.

(2) Release from serving a sentence is applied to a sentenced woman having a family or relatives, who agree to live together with her, or if she can provide appropriate conditions for bringing up a child.

(3) If a sentenced woman, who was released from serving a sentence, abandoned her child, or sent him to a children's home, disappeared from the place of residence, avoided upbringing of the child and care of him, infringed public order, and she was warned about it more than twice in a written form by the body responsible for control over her, the Court may send her for serving the sentence determined by the verdict.

(4) After the child reaches the age of 3 years old, or in case of his death, depending on the sentenced woman's conduct, the Court may release her from serving a sentence or mitigate it, or it may send the convicted woman for serving her sentence.

(5) If a convicted woman committed another crime while releasing her from serving the sentence, the Court imposes a sentence on her according to the rules specified by Article 68 of the present Code.

Article 79. Release From Serving the Sentence On the Basis of Poor Health

(1) An offender who has acquired a mental disease after the pronouncement of sentence which deprives him from recognizing the consequences of his actions or the ability to direct them, is subject to release from sentence or from serving the remainder of the sentence. The Court may impose compulsory measures of medical nature on such person.

(2) An offender who has fallen ill with some other kind of dangerous disease after passing a sentence, preventing him from serving the sentence, may be released from the sentence or the sentence may be mitigated. In this case the Court shall take into account the character of the offender and disease, degree of the crime and other circumstances.

(3) Servicemen sentenced to military service restrictions or to serving in a disciplinary battalion, who are found incapable to perform military duties, are released from serving the sentence or from serving the remainder of the sentence. The unserved part of the sentence also may be changed to a mitigated sentence.

(4) Persons indicated in Part 1 of the present article in case of their recovery are subject to punishment if limitation period wasn't expired specified by Articles 75 and 81 of the present Code. In this case the time during which compulsory measures of medical nature were used is included to the term of sentence.

Article 80. Release From Serving the Sentence On the Basis of Emergency

An offender sentenced for a petty misdemeanor may be released from the sentence if his serving can entail grave consequences for the offender or his family on account of a fire or natural calamity, serious disease, death of the only able-bodied member of the family or in consequence of other emergency circumstances.

Article 81. Release From Sentence In Consequence of Expiration of the Limitation Period of the Execution of the Sentence

(1) An individual is released from serving the sentence if the court's sentence has not been executed within the following time limits, starting from the date of its legal effect:

- a) 2 years when sentencing for a petty misdemeanor;
- b) 6 years when sentencing for a misdemeanor;
- c) 10 years when sentencing for a felony;
- d) 15 years when sentencing for an especially grievous crime.

(2) The running of the limitation period is interrupted when the offender avoids serving the sentence. In this case the running of the limitation period is resumed starting with the moment of the offender's seizure or his surrender. But the sentence cannot be executed if after its announcement 15 years passed and the limitation period was not interrupted.

(3) The running of the limitation period is interrupted if before expiration of the terms specified in the present article an offender commits a new intentional crime. In this case calculation of the limitation period begins again starting from the moment of the commitment of the new crime.

(4) The question of the imposition of the limitation period on an offender who has been sentenced to capital punishment is decided by the Court. If the Court does not find it possible to consider the limitation period in this case, capital punishment shall not be imposed and it is changed to imprisonment.

(5) The limitation period is not applied to offenders sentenced for crimes against the peace and safety of humankind.

CHAPTER 13. Amnesty. Pardon. Criminal Record. Rehabilitation.

Article 82. Amnesty

(1) Amnesty is granted by Majlisi Oli of the Republic of Tajikistan to certain classes of persons.

(2) According to an act of amnesty an offender sentenced for a crime may be partially or fully released both from principal and supplemental sentences, or the unserved part of the sentence may be reduced or mitigated, or a criminal record may be expunged.

(3) An act of amnesty is applied to criminal acts committed before its adoption.

Article 83. Pardon

(1) The question of giving a pardon is decided by the President of the Republic of Tajikistan in regard to a certain person.

(2) According to an act of pardon an individual sentenced for a crime may be partially or fully released both from principal and supplemental sentences, or the unserved period of the sentence may be reduced or mitigated, or a criminal record may be expunged.

Note: Although the acts of amnesty and pardon are applied a victim still has the right to get compensation for damages caused by a criminal act.

Article 84. Criminal Record

(1) An individual sentenced for a crime is considered to have a criminal record from the date the sentence comes into legal force till the moment of expungement of the criminal record. According to the Code a criminal record is taken into account in case of recidivism and when imposing a sentence.

(2) An individual released from serving his sentence is considered not to have a criminal record.

(3) A criminal record is expunged:

a) in relation to offenders on parole - after expiration of the probation period;

b) in relation to offenders condemned to mitigated sentences other than imprisonment - on expiration of one year after the completion of the sentence;

c) in relation to offenders sentenced to imprisonment or limitation of freedom for petty misdemeanors or misdemeanors - on expiration of 3 years after serving the sentence;

d) in relation to offenders sentenced to imprisonment for felonies - on expiration of 5 years after the completion of the sentence.

(4) The criminal record of an offender sentenced to imprisonment for an especially grievous crime may be expunged on the expiration of 8 years after serving the sentence, if it is determined by the Court that the offender has proved his rehabilitation.

(5) If an offender has been paroled or the unserved part of the sentence has been mitigated, expunging of the criminal record is calculated from the moment of release from serving the principal and supplemental sentences.

(6) If an offender commits another crime before the expiration of the expungement time, the running of the period for expunging is interrupted.

(7) If an offender, after having served the sentence, has proved his exemplary conduct, then on the offender's petition a Court may expunge the criminal record before the expiration of the expunging period but not earlier than after the expiration of 1/2 of the period.

(8) Expunging of a criminal record or restoration of the pretrial status cancels the legal consequences related to the criminal record.

Article 85. Rehabilitation

(1) An individual who has not committed a crime and without any ground is instituted criminal proceeding, or illegally sentenced, will be a subject to rehabilitation, i.e. Court confirms the fact of instituting criminal proceeding without grounds or illegal sentencing.

(2) A rehabilitated person is a subject to restitution of all his rights.

SECTION V. Criminal Liability of Minors

CHAPTER 14. Peculiarities of Criminal Liability and Sentence of Minors

Article 86. Criminal Liability of Minors

(1) Persons who by the time of committing a crime have reached 14 years old, but have not reached 18 years old, are considered to be minors.

(2) Sentences or educational compulsory measures may be imposed on minors who have committed crimes.

CHAPTER 15. Sentence And Its Imposition

Article 87. Types of Sentences Applied to Minors

(1) Minor offenders who have committed a crime shall be subject to the following sentences:

- a) fines;
- b) deprivation of the right to be engaged in a specific activity;
- c) correctional labor;
- d) confinement;
- e) imprisonment.

(2) A fine is applied only to minors who have independent incomes or property. It is imposed in an amount up to one hundred times the minimum wage.

(3) Deprivation of the right to be engaged in a specific activity is imposed on minors for a period of one to two years.

(4) Correctional labor is applied to minors for a period of 2 months to one year in the district of working place. 15-30 % shall be deducted from wages of minor offenders to the state revenue.

(5) Confinement is imposed on minor men who have reached 16 years old by the time of passing the sentence for a period of one to four months.

(6) Imprisonment is imposed on minors for a period:

- a) 2 years for a petty misdemeanor;
- b) 3 years for a misdemeanor;
- c) 7 years for a felony or an especially grievous crime at the age under 16 years old;
- d) 10 years for a felony or an especially grievous crime at the age of 16 to 18 years old.

(7) Imprisonment is served in :

- a) facilities of a general regime for minor men sentenced to imprisonment for the first time, as well as for minor women;
- b) facilities of an intensive regime for minor men who have previously been sentenced to imprisonment.

Article 88. Imposition of Sentence on Minors

(1) When imposing sentence on a minor, besides circumstances specified by Article 60 of the present Code, conditions of his life and upbringing, degree of the minor's mental development, health and other circumstances are taken into account.

(2) If individuals commit misdemeanors, felonies or especially grievous crimes at the age under 16 years old, deprivation of freedom in case of cumulative crimes may not exceed 10 years.

(3) If persons commit misdemeanors, felonies or especially grievous crimes at the age of 16 to 18 years old, imprisonment when determining cumulating of crimes may not exceed 12 years.

(4) The final punishment on cumulative sentences in the form of imprisonment may not be imposed for a period of more than 15 years.

Article 89. Release From Criminal Liability Using Compulsory Measures of an Educational Nature

(1) A minor, who has committed a petty misdemeanor for the first time may be released from his sentence by the Court, if his rehabilitation seems to be possible by enforcing measures of an educational character.

(2) The following compulsory measures of an educational nature may be imposed on minors:

- a) warning;
- b) to have minors under supervision of parents, persons who substitute them, or juvenile body;
- c) obligation to pay the damages;
- d) limitation of leisure and special demands of conduct.

(3) Several compulsory measures of an educational nature may be simultaneously imposed on a minor. Duration of the period for imposing compulsory measures of an educational nature specified by items "b" and "d" of the present article , Part 2 is determined by the body imposing these measures.

(4) If a minor avoids compulsory measures of an educational nature , by representation of the juvenile body they will be canceled , and materials for instituting criminal proceedings against the minor shall be sent to the appropriate agency.

Article 90. Release From Sentence

(1) A minor sentenced for committing a petty offense or misdemeanor may be released from sentence by the Court if the rehabilitation of the offender seems to be possible by keeping the minor in special educational institutes or medical/educational establishments.

(2) Keeping in special educational or medical educational establishments is imposed by the Court for a period of 3 years but not more than till attaining majority.

(3) Parole may be granted to minor offenders who are serving a sentence in the establishments above mentioned if according to the conclusion of the juvenile body a minor doesn't need to have these compulsory measures.

Article 91. Parole

(1) For an offender sentenced to imprisonment or correctional labor for a crime which was committed before the age of 18, parole may be granted only after the offender has actually served:

- a) not less than 1/3 of the term imposed by the Court for a petty misdemeanor or misdemeanor;
- b) not less than 1/2 of the penalty imposed by the Court for a felony;
- c) not less than 2/3 of the term of penalty imposed by the Court for an especially grievous crime.

Article 92. Change of Penalty by Mitigation

(1) For offenders sentenced to imprisonment or correctional labor for a crime committed before the age of 18 the unserved part of the sentence may be changed by mitigation.

(2) Change of the unserved portion of the sentence by mitigation may be applied to an offender who has actually served:

- a) not less than 1/4 of the sentence imposed by the Court for a minor offense or misdemeanor;
- b) not less than 1/3 of the term imposed by the Court for a felony;

c) not less than 1/2 of the term imposed by the Court for an especially grievous crime, as well as for an intentional crime, if the offender had previously been sentenced to imprisonment for an intentional crime.

(3) When changing the unserved portion of deprivation of freedom to correctional labor, the sentence is imposed within the limits for this type of sentence and shall not exceed the unserved portion of imprisonment.

(4) For offenders who have had a sentence mitigated, parole may be granted according to the rules specified by Article 91 of the present Code.

(5) If an offender whose sentence was mitigated commits a new intentional crime during the unserved part of the sentence, the Court will impose on him a penalty according to the rules stipulated by Articles 68 and 88 of this Code.

Article 93. Limitation Period

Limitation period specified by Articles 75 and 81 of the Code when releasing minors from criminal liability or serving a sentence is reduced half.

Article 94. Terms of Cancellation of a Criminal Record

(1) For offenders who committed a crime before attaining the age of 18, terms of cancellation of a criminal record specified by Article 84, part 3 of the present Code are reduced and accordingly equal to:

- a) one year after serving imprisonment for committing a petty misdemeanor or misdemeanor;
- b) three years after serving imprisonment for committing a felony;
- c) five years after serving imprisonment for an especially grievous crime.

Article 95. Application of Provisions of This Chapter in Relation to Persons at the Age of 18-20 Years Old

In exceptional cases, taking into consideration the act committed and personality of the defendant, the court may apply the provisions of the present Chapter, except for placing into educational and medical institution, in regard to individuals at the age of 18-20 who have committed crimes.

SECTION VI. Compulsory Measures of a Medical Nature

CHAPTER 15. Objectives, Grounds, Order And Imposition of Compulsory Measures of a Medical Nature

Article 96. Objectives of the Application of Compulsory Measures of a Medical Nature

Compulsory measures of a medical nature are imposed on offenders pointed in Article 104, part 1 of the present Code with the aim of their cure and prevention of new dangerous acts specified by articles of the Special part of the Code.

Article 97. Grounds for Imposing Compulsory Measures of a Medical Nature

(1) Compulsory measures of a medical nature may be imposed by the Court on persons who have committed dangerous acts specified by the present Code:

- a) in the condition of insanity;
- b) who have fallen with mental disorder after committing a crime;
- c) in case of limited insanity;
- d) who have committed a crime and found to stand in need of clinical treatment from alcoholism, drug dependence or toxicomania.

(2) The order of execution of compulsory measures of a medical nature is determined by the criminal executive legislation of the Republic Tajikistan.

(3) In regards to persons enumerated in Part 1 of the present article who have committed a petty misdemeanor, as well as in regard to persons who don't constitute a danger, the Court may deliver necessary materials to health services for solving the question about their treatment or keeping them in a mental hospital according to the order determined by the legislation of the Republic Tajikistan about health.

Article 98. Types of Compulsory Measures of a Medical Nature

(1) The Court may impose the following types of compulsory measures of a medical nature:

- a) compulsory observation and treatment by a psychiatrist;
- b) compulsory treatment in a mental hospital with regular observation;
- c) compulsory treatment in a mental hospital with specialized observation;
- d) compulsory treatment in a mental hospital with intensified observation.

(2) Measures of a medical nature in the form of compulsory observation and treatment by a psychiatrist may be imposed by the Court along with the imposition of a sentence on offenders sentenced for acts specified by the present Code, and committed in the condition of sanity, but suffering from alcoholism, drug dependence, toxicomania or mental disorders.

Article 99. Enforcement of Compulsory Measures of a Medical Nature

(1) Compulsory clinical observation and treatment by a psychiatrist may be imposed when existing grounds specified by Article 97 of the present Code, if a person doesn't need to be kept in a mental hospital.

(2) Compulsory treatment in a mental hospital may be imposed if there are grounds specified by Article 97 of the present Code, and the character and degree of a person's mental disorder require treatment, care and observation in hospital conditions.

(3) Compulsory treatment in a mental hospital with regular observation may be imposed on an offender who needs clinical treatment on the basis of his mental condition.

(4) Compulsory treatment in a mental hospital of specialized type may be imposed on an offender who needs constant observation.

(5) Compulsory treatment in a mental hospital with intensified observation may be imposed on an offender who constitutes a danger to himself or other people on the basis of his mental condition, and needs constant and intensive observation.

Article 100. Extension, Change and Cancellation of Application of Compulsory Measures of a Medical Nature

(1) Extension, change and cancellation of the application of compulsory measures of a medical nature are made by the Court on the basis of the examination of a psychiatric commission.

(2) When a mentally ill offender doesn't need compulsory measures of a medical nature, as well as in case of cancellation, the Court may send such person to health services for solving the question of treatment on general grounds, or let him be under the charge of relatives or trustees but medical observation must be implemented.

Article 101. Enforcement of Measures of a Medical Nature on Offenders Suffering From Alcoholism, Drug Addiction or Toxicomania

(1) In case of committing a crime by persons suffering from alcoholism, drug addiction or toxicomania the Court, after examining the results of the medical examination, may impose measures of a medical nature along with a sentence.

(2) Offenders enumerated in Part 1 of the present article not sentenced to deprivation of freedom, are subject to compulsory treatment in medical institutions.

(3) Offenders pointed in Part 1 of the present article sentenced to imprisonment or confinement, are subject to treatment at the place where they are serving their sentence , and in case of necessity to continue the treatment after release they may have it in medical institutions on general grounds.

Article 102. Calculation of the Period of Application of Measures of a Medical Nature

The time, during which the compulsory measures were applied to an individual who has fallen ill with a mental disease after committing a crime, in case of his recovery and imposition of a sentence, shall be included in the length of the sentence, and one day in a mental hospital is calculated for one day of imprisonment.

Article 103. Compulsory Treatment Connected With Execution of a Sentence

(1) In the cases specified by Article 98 , Part 2 of the present Code compulsory measures of a medical nature are executed at the place where offenders are serving their sentence in the form of imprisonment, but in regard to offenders sentenced to another types of punishment - in institutions of health services rendering clinical psychiatric aid.

(2) On the basis of the examination of a psychiatric commission the Court may direct an offender to a mental hospital or another medical institution if it is necessary for improving the offender's mental state and his recovery.

(3) The time , during which offenders were kept in medical institutions is included in the length of the sentence. If there is no need for an offender to continue the treatment in a mental hospital , on the basis of the decision of the Court he will be directed for serving his sentence according to the order provided for by the present article, Part 4.

(4) Cancellation of the application of compulsory measures of a medical nature connected with execution of a sentence is made by the Court on the basis of the examination of a psychiatric commission.

SECTION VII. CRIMES AGAINST PERSONALITY

CHAPTER 16. Crimes Against Life and Health

Article 113. Murder

(1) Murder, i.e. intentional deprivation of life of another person is punishable by imprisonment for a period of 12 to 15 years.

(2) Murder:

- a) of two or more individuals;
- b) of an individual or his relatives in connection with the performance of official duties, or fulfillment the civil or public duty;
- c) of a minor or person being helpless knowingly for an offender;
- d) along with kidnapping or taking a hostage;
- e) of a woman who was known to be pregnant;
- f) committed with extreme brutality;
- g) committed in the manner which exposes to danger the lives of other people;
- h) committed using a weapon, battle technique, or explosive;
- i) committed by a group of individuals or group of individuals in a conspiracy, organized group, criminal community (criminal organization);
- j) with mercenary motive, or by hiring, as well as along with robbery, extortion, or banditry;

- k) with hooligan motives;
- l) with the goal of hiding another crime, or facilitate the commitment of another crime, as well as along with rape or forcible actions of sexual character;
- m) on the ground of national, racial, religious, locality hatred or hostility, as well as vendetta;
- n) with the goal of using organs or tissues of a victim;
- o) committed by an employee of the law enforcement body or military man;
- p) committed by an especially dangerous recidivist, or an individual who has earlier committed murder except for actions provided in the Articles 105, 106, 107, and 108 of the present Code, -

is punishable by imprisonment for a period of 15 to 20 years simultaneously with confiscation of property, or death penalty.

Article 105. Murder of a New-Born Child by Its Mother

Murder of a new-born child by its mother during labor or immediately after labor committed in condition of shocking situation caused by labor, or in mental derangement which does not exclude mental capacity is punishable by imprisonment for a period of 2 to 5 years.

Article 106. Murder Committed on the Ground of Extreme Mental Disturbance

(1) Murder committed in sudden appearance of a mental disturbance (affect) caused by violence, mockery or heavy humiliation, or other unlawful or immoral actions of the victim, as well as protracted shocking situation arisen from systematic unlawful or immoral actions of the victim is punishable by restriction of liberty for a period of up to 3 years, or imprisonment for the same period of time.

(2) Murder committed in affect of two or more individuals is punishable by imprisonment for a period of 2 to 5 years.

Article 107. Murder Committed While Excessive Self-Defense or While Exceeding the Means Necessary for Seizing a Person Committed a Crime

(1) Murder committed while excessive self-defense is punishable by restriction of liberty for a period of up to 2 years, or imprisonment for the same period of time.

(2). Murder committed while exceeding the means necessary for seizing a person committed a crime is punishable by restriction of liberty for a period of up to 3 years, or imprisonment for the same period of time.

Article 108. Death Resulting From Negligent Conduct

(1) Death from negligent conduct is punishable by restriction of liberty for a period of up to 2 years, or imprisonment for the same period of time.

(2) Death from negligent conduct as a result of improper fulfillment of professional duties by an individual, as well as death of two or more individuals from negligent conduct is punishable by restriction of liberty for a period of up to 5 years, or imprisonment for the same period of time simultaneously with deprivation of the right to hold certain position or to be engaged in certain activity for a period of up to 5 years or without it.

Article 109. Driving to Suicide

(1) Driving an individual to suicide or attempt upon suicide by threat, cruel treatment, or systematic degrading the dignity of a victim is punishable by imprisonment for a period of 3 to 5 years.

(2) The same actions committed in regard to a person, who was in financial or other dependence of the guilty person, or committed in regard to a minor is punishable by imprisonment for a period of 5 to 8 years.

Article 110. Intentional Major Bodily Injury

(1) Intentional major bodily injury which is life-threatening, or which has led to the loss of sight, speech, hearing, or any body organ, or inability of an organ to function, or expressed in irremediable damage to the face, as well as other injury to the health which is life-threatening or caused a disorder of health along with a stable loss of common capability to work not less than 1/3, or knowingly for the guilty person with the full loss of professional capability to work, or caused the miscarriage, mental illness, sickness of drug dependence or taxicomania is punishable by imprisonment for a period of 5 to 10 years.

(2) The same actions, if committed:

- a) towards two or more individuals;
- b) in relation to an individual or his relatives in connection with carrying out of his official or public duties;
- c) in relation to a minor or individual who is helpless knowingly for the guilty person;
- d) in relation to a kidnapped person or hostage;
- e) in relation to a woman being pregnant knowingly for an offender;
- f) with extreme brutality;
- g) with the manner dangerous for the lives of many people;
- h) by a group of individuals or in a conspiracy;
- i) in the process of mass disorder;
- j) with mercenary or by hiring, as well as along with robbery, extortion, or banditry;
- k) out of hooligan motives;
- l) with the goal of hiding another crime or facilitate the commitment of another crime, as well as along with rape or forcible actions of sexual character;
- m) on the ground of national, racial, religious, locality hatred or hostility, or vendetta;
- n) with the goal of using organs or tissues of a victim;
- o) repeatedly or by an individual who has earlier committed murder or intentional major bodily injury except for the actions provided in the Articles 105, 106, 107, and 108 of the present Code, -

is punishable by imprisonment for a period of 8 to 15 years simultaneously with confiscation of property or without it.

(3) The actions, specified in paragraphs 1 and 2 of the present Article, if they:

- a) committed by an organized group;
- b) committed by a dangerous or especially dangerous recidivist;
- c) and, carelessly have led to the death of a victim, -

are punishable by imprisonment for a period of 12 to 20 years simultaneously with confiscation of property.

Article 111. Intentional Minor Bodily Injury

(1) Intentional minor bodily injury which is not life-threatening and does not result in consequences provided for in Article 110 of the present Code, but causes continuing health problems or major physical disability with the loss of 1/3 of the capability to work is punishable by up to 2 years of correctional labor, or up to 3 years of imprisonment.

(2) The same action, if committed:

- a) towards two or more individuals;
- b) in relation to an individual or his relatives in connection with carrying out of his official, civil, or public duties;
- c) by a group of individuals or in a conspiracy;
- d) with extreme brutality;
- e) in the process of mass disorder;
- f) on the ground of national, racial, religious, locality hatred or hostility, as well as vendetta;

by an individual who has earlier committed major bodily injury or murder specified in Articles 104 and 110 of the present Code is punishable by imprisonment for a period of 3 to 5 years.

Article 112. Intentional Bodily Injury of Lesser Degree

Intentional bodily injury of lesser degree leading to a short-term disorder of health, or minor permanent loss of work capability is punishable by a fine of up to 300 times the minimum monthly wage or up to 2 years of correctional labor, or up to 4 months of confinement.

Article 113. Intentional Bodily Injury Committed in the State of a Serious Mental Disturbance

(1) Intentional minor bodily injury committed in state of a sudden serious mental disturbance (affect), which was caused by violence, mockery, or heavy humiliation, or other unlawful or immoral actions of the victim, as well as protracted shocking situation arisen from systematic unlawful or immoral conduct of the victim is punishable by up to 2 years of restriction of liberty, or imprisonment for the same period of time.

(2) Intentional major bodily injury committed in the circumstances stipulated in paragraph 1 of the present Article is punishable by restriction of liberty for a period of 2 to 5 years, or up to 3 years of imprisonment.

Article 114. Intentional Major Bodily Injury While Excessive Use of Self-Defense

Intentional minor bodily injury while excessive use of self-defense is punishable by a fine of 200 to 500 times the minimum monthly wage, or up to 2 years of correctional labor, or imprisonment for the same period of time.

Article 115. Intentional Major or Minor Bodily Injury While Excessive Use of the Means Necessary for Seizing a Person Committed a Crime

(1) Intentional minor bodily injury to a person committed a crime while excessive use of means necessary for seizing him is punishable by up to 2 years of correctional labor.

(2) Intentional major bodily injury to a person committed a crime while excessive use of means necessary for seizing him is punishable by up to 2 years of restriction of liberty, or imprisonment for the same period of time.

Article 116. Assault

Assault or committing other actions of violence, which caused a physical pain, but did not lead to the consequences specified in Article 112 of the present Code are punishable by a fine of up to 300 times the minimum monthly wage, or up to 3 months of confinement.

Article 117. Torture

(1) Causing physical or mental sufferings by systematic assault or other forcible means if it does not lead to the consequences specified in Articles 110 and 111 of the present Code is punishable by up to 3 years of imprisonment.

(2) The same actions, if committed:

- a) towards two or more individuals;
- b) in relation to an individual or his relatives in connection with carrying out of his official, civil, or public duties;
- c) in relation to a minor or individual knowingly for an offender being careless or in financial or other dependence of an offender, as well as an individual kidnapped or taken d) as a hostage;
- e) in relation to a woman knowingly being pregnant;
- f) by a group of individuals or in a conspiracy;
- g) by hiring;
- h) by torture or cruelty;
- i) on the ground of national, racial, religious, locality hatred or hostility, as well as vendetta, - is punishable by imprisonment for a period of 5 to 8 years.

Article 118. Careless Major Bodily Injury

(1) Careless major bodily injury is punishable by a fine of 200 to 500 times the minimum monthly wage, or up to 2 years of imprisonment.

(2) The same action, if committed as a result of improper carrying out of his professional duties by an individual, or careless major bodily injury towards two or more individuals is punishable by up to 2 years of correctional labor, or imprisonment for a period of 2 to 5 years with deprivation of the right to hold certain positions or be engaged in a certain activity for up to 3 years or without it.

Article 119. Careless Minor Bodily Injury

(1) Careless minor bodily injury is punishable by a fine of 100 to 400 times the minimum monthly wage, or up to 2 years of restriction of liberty.

(2) The same action, if committed by an individual as a result of improper carrying out of his professional duties, or careless minor bodily injury towards two or more individuals is punishable by up to 2 years of correctional labor, or imprisonment for the same period of time.

Article 120. Threat of Committing Murder or Major Bodily Injury

Threat of committing murder or major bodily injury, if there were grounds to be afraid of performance of this threat is punishable by up to 2 years of restriction of liberty, or confinement for a period of 4 to 6 months, or up to 2 years of imprisonment.

Article 121. Violation of the Order of Making Transplantation Operations

(1) Violation of conditions and order of extracting organs and tissues of a human, or conditions and order of transplantation provided by Law, which caused negligently a major or minor bodily injury of a donor or recipient is punishable by up to 3 years of imprisonment.

(2) The same action, which caused negligently a death of a victim is punishable by imprisonment for a period of 3 to 5 years.

Article 122. Compulsion to Donating

(1) Compulsion to donating with the goal of extracting organs or tissues of a victim, or transplantation is punishable by imprisonment for a period of up to 3 years simultaneously with deprivation of the right to hold certain position or to be engaged in certain activity for up to 3 years.

(2) The same action, if committed:

- a) with use of force;
- b) in relation to an individual, who knowingly for an offender was helpless, or was in financial or another dependence on an offender;
- c) knowingly towards a minor;
- d) towards two or more individuals, -

is punishable by imprisonment for a period of 5 years simultaneously with deprivation of the right to hold certain position or to be engaged in certain activity for up to 3 years.

(3) The action, specified in paragraphs 1 or 2 of the present article, if committed:

- a) by a group of individuals or by a group of individuals in a conspiracy;
- b) in a conspiracy, -

is punishable by imprisonment for a period of 7 to 12 years simultaneously with deprivation of the right to hold certain position or to be engaged in certain activity for 5 years.

Article 123. Illegal Abortion

(1) Illegal abortion performed by an individual with higher medical education of appropriate profile is punishable by a fine of 200 to 500 times the minimum monthly wage, or deprivation of the right to hold certain position or to be engaged in certain activity for up to 3 years.

(2) Illegal abortion performed by an individual without higher medical education of appropriate profile, or by an individual who has been earlier sentenced for illegal abortion is punishable by a fine in the amount of 500 to 700 times the minimum monthly wage, or imprisonment for a period of up to 2 years.

(3) The actions, specified in paragraphs 1 and 2 of the present Article, which have led to the death of the victim based on negligent conduct or major bodily injury are punishable by imprisonment for a period of 2 to 5 years simultaneously with deprivation of the right to hold certain position or to be engaged in certain activity for up to 5 years.

Article 124. Compulsion of a Woman to Abortion

Compulsion of a woman to abortion if as a result, the abortion was performed, is punishable by up to 2 years of correctional labor, or imprisonment for the same period of time.

Article 125. Infection of AIDS

(1) Knowingly jeopardizing another individual to get infected by AIDS is punishable by up to 3 years of restriction of liberty, or up to 2 years of imprisonment.

(2) Infecting another individual with AIDS knowing about existence of this illness is punishable by 5 to 8 years of imprisonment.

(3) The actions, specified in paragraph 2 of the present Article, if committed:

- a) towards two or more individuals;
- b) knowingly in relation to a minor, -

is punishable by imprisonment for a period of 8 to 12 years.

Article 126. Infection with a Venereal Disease

(1) Infecting another individual with venereal disease by an individual who knows about his having this illness is punishable by a fine of up to 500 times the minimum monthly wage, or correctional labor for a period of 1 to 2 years, or up to 6 months of confinement.

(2) The same action, if committed:

a) towards two or more individuals;

b) knowingly in relation to a minor, -

is punishable by a fine of 700 to 1000 times the minimum monthly wage, or 3 to 5 years of imprisonment.

Article 127. Failure to Give Assistance to Individuals in Mortal Danger

(1) Knowingly failure to give assistance to individual in mortal danger who is in life or health-related danger, and who is not capable of taking measures for self-protection based on childhood, old age, or helplessness, in cases where an offender had a possibility to help an individual and was in charge of his protection, or had put him in danger himself is punishable by up to 2 years of correctional labor, or by a fine of 200 to 400 the minimum monthly wage.

(2) The same action, if it caused negligently the death of a victim is punishable by up to 3 years of restriction of liberty, or imprisonment for the same period of time simultaneously with deprivation of the right to hold certain position or to be engaged in certain activity for the same period of time.

(3) The same action, if caused:

a) human victims;

b) other serious consequences, -

is punishable by imprisonment for a period of 5 to 8 years.

Article 128. Failure to Deliver Medical Help

(1) Failure to deliver medical help for no valid reasons by an individual obligated to provide it in accordance with law or special rules, if it has led based on negligent conduct to a major or minor bodily injury of a patient is punishable by a fine of 300 to 500 times the minimum monthly wage, or deprivation of the right to hold certain positions or be engaged in a certain activity for a period of 2 to 5 years, or imprisonment for up to 2 years.

(2) The same action, if it has led to the death of a patient or caused a major bodily injury is punishable by imprisonment for a period of 3 years simultaneously with deprivation of the right to hold certain position or to be engaged in a certain activity for a period of 5 to 10 years and with a fine of 500 to 1000 times the minimum monthly wage.

Article 129. Improper Performance of Duties by Medical Professionals

(1) Non-performance or improper exercising of the duties by a professional medical specialist in consequence of negligent or careless attention to them resulting carelessly a major or minor bodily injury is punishable by deprivation of the right to hold certain position or to be engaged in certain activity for a period of up to 3 years, or by 2 years of correctional labor.

(2) The same action, if it has led carelessly to the death of a patient or to communicating AIDS is punishable by imprisonment for a period of 3 to 5 years with deprivation of the right to hold certain position or to be engaged in a certain activity for a period of 5 years.

(3) The same actions, if they on the basis of negligent conduct have led to:

a) human victims;

b) other serious consequences, -

are punishable by imprisonment for a period of 5 to 7 years with deprivation of the right to hold certain positions or be engaged in a certain activity for a period of 5 years.

CHAPTER 17. Crimes Against Personal Freedom, Honor, and Dignity

Article 130. Kidnapping

(1) Kidnapping is punishable by imprisonment for a period of 5 to 10 years.

(2) The same action, if committed:

- a) by a group of individuals;
- b) repeatedly or by an individual who has earlier committed a crime provided for in Article 131 of the present Code;
- c) using violence dangerous for life and health;
- d) using weapon or subjects, which can be used as a weapon;
- e) knowingly towards a minor;
- f) knowingly for an offender towards a woman being pregnant;
- g) towards two or more individuals;
- h) with a mercenary motive, -

is punishable by imprisonment for a period of 8 to 12 years.

(3) The actions, specified in paragraphs 1 and 2 of the present Article, if they:

- a) committed by an organized group;
- b) committed with the goal of sexual or other exploitation of a kidnapped person;
- c) committed by an especially dangerous recidivist;
- d) have led carelessly to the death of a victim, or causing a major bodily injury or other serious consequences are punishable by imprisonment for a period of 12 to 20 years

Note:

An individual who voluntarily releases the kidnapped person, will be released from criminal liability, if there are no signs of another crime in his actions.

Article 131. Illegal Deprivation of Liberty

(1) Illegal deprivation of liberty not connected with kidnapping is punishable by up to 3 years of restriction of liberty, or confinement for a period of 3 to 6 months, or up to 2 years of imprisonment.

(2) The same action, if committed:

- a) by a group of individuals in a conspiracy;
- b) repeatedly or by an individual who has earlier committed crime specified in Article 148 of the present Code;

- c) using a manner dangerous for life and health;
- d) using weapon or subjects which may be used as a weapon;
- e) knowingly towards a minor;
- f) towards a woman, knowingly for an offender being pregnant;
- g) in relation to two or more individuals;
- h) with mercenary motives, -

is punishable by imprisonment for a period of 3 to 5 years.

(3) Actions, specified in paragraphs 1 and 2 of the present Article, if they:

- a) committed by an organized group;
- b) committed with the goal of sexual or other exploitation of a person illegally deprived of liberty;
- c) caused negligently death of a victim or major injury to the health, or other serious consequences, -

are punishable by imprisonment for a period of 5 to 10 years.

Article 132. Recruitment of People for Exploitation

(1) Recruitment of people for sexual or other exploitation, committed by fraud, is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage, or limitation of freedom for up to 2 years, or imprisonment for the same period of time.

(2) The same actions, committed:

- a) by a group of individuals in a conspiracy;
- b) knowingly towards a minor;
- c) repeatedly, -

are punishable by a fine of 1000 to 5000 times the minimum monthly wage, limitation of freedom for up to 3 years, or by imprisonment for a period of 2 to 5 years.

(3) The actions specified by Parts 1 and 2 of the present article, committed:

- a) by an organized group;
- b) with the purpose of exporting such individuals out of the Republic of Tajikistan;
- c) by an especially dangerous recidivist, are punishable by deprivation of freedom for a period of 5 to 12 years.

Article 133. Unlawful Placement In a Psychiatric Clinic

(1) Unlawful placement of a person who does not need such a form of treatment in a psychiatric clinic, or unlawful keeping in it, is punishable by up to 2 years of correctional labor or imprisonment for a period of 1 to 5 years.

(2) The same action , committed:

- a) for mercenary motives;

b) by a person using his official position;

c) causing the death of the victim due to carelessness, major bodily injury, or other grave consequences, is punishable by imprisonment for a period of 5 to 8 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

Article 134. Coercion

Coercion of a person to performance or non-performance of any action by threat of violence, destruction or damage of property, distribution of false and disgraceful information as well as by threat of infringement of this person's rights and interests, if there are no signs of more serious crime, is punishable by a fine in the amount of 200 to 500 times the minimum monthly wage, or by a 2 year term of limitation of freedom, or imprisonment for the same period.

Article 135. Defamation

(1) Defamation, that is distribution of obviously false information defaming a person's honor, dignity or reputation, is punishable by a fine in the amount of up to 500 times the minimum monthly wage, or up to 2 years of correctional labor.

(2) Defamation in public speeches, printed or multi-copied works or mass media, is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage, or confinement for a period of 2 to 6 months, or imprisonment for up to 2 years.

(3) Defamation:

a) done jointly with a felony or especially grievous crime;

b) for mercenary and other motives, is punishable by deprivation of freedom for a period of 3 to 5 years.

Article 136. Insult

(1) Insult, that is abasement of honor and dignity, expressed in an indecent way, is punishable by a fine in the amount of up to 200 times the minimum monthly wage, or up to 1 year of correctional labor.

(2) Insult:

a) in public speeches, printed works or mass media;

b) in connection with the discharge of the victim's public duty, is punishable by a fine in the amount of 200 to 500 times the minimum monthly wage, or up to 2 years of correctional labor.

Article 137. Public Insult of the President of the Republic of Tajikistan or Slander Addressed to Him

1. Public insulting the President of the Republic of Tajikistan or slander addressed to him, is punishable by a fine in the amount of 100 to 500 times the minimum monthly wage, or correctional labor for up to 1 year.

2. The same actions committed using press or other means of mass media, are punishable by correctional for up to 2 years, or imprisonment for a period of 2 to 5 years.

CHAPTER 18. Crimes Against Freedom of Sex or Sexual Inviolability

Article 138. Rape

(1) Rape, that is sexual intercourse using force or with the threat of force towards the victim or other persons, or using the helpless condition of the victim, is punishable by deprivation of freedom for a period of 3 to 7 years.

(2) Rape:

a) committed for the second time or by an offender who has previously committed forcible actions of sexual character;

- b) by a group of persons or a group of persons in a conspiracy;
- c) jointly with the threat of murder or major bodily injury;
- d) committed with an extreme brutality in relation to the victim or other persons;
- e) causing the infection of a venereal disease;
- f) of a minor woman,
- g) two or more persons, is punishable by deprivation of freedom for a period of 7 to 10 years.

(3) Rape:

- a) of a girl at the age under 14 years old or a close relative;
- b) committed by an organized group;
- d) in the course of a public calamity or mass riots, or caused grave consequences;
- e) with using a weapon or with the threat of using it or objects which can be used as a weapon,

is punishable by imprisonment for a period of 15 to 20 years, or by death penalty.

Article 139. Forcible Actions of Sexual Character

(1) Homosexuality or lesbianism or satisfaction of sexual desire using force or threat of force towards the victim or other persons, or using the helpless condition of the victim, is punishable by imprisonment for a period of 5 to 7 years.

(2) The same actions:

- a) committed for the second time, or by an offender who has previously committed a rape;
- b) by a group of individuals or by a group of individuals in a conspiracy;
- c) committed with extreme brutality in relation to the victim or other persons;
- d) communicating venereal disease to the victim;
- e) committed in relation to a minor, are punishable by deprivation of freedom for a period of 8 to 12 years.

(3) The same actions:

- a) committed towards two or more persons;
- b) committed towards a close relative, are punishable by deprivation of freedom for a period of 10 to 15 years.

(4) The actions specified by Parts 1 and 2 of the present article:

- a) committed in regard to a person at the age under 14 years old;
- b) in case of especially dangerous recidivism;
- c) by an organized group;
- d) in the course of mass disorders or using the conditions of a public disaster, are punishable by imprisonment for a period of 15 to 20 years.

Article 140. Compulsion to Actions of Sexual Character

Compulsion of a person to sexual intercourse, homosexuality, lesbianism or other actions of sexual character by blackmailing, threat of destroying, damaging or taking property, or using official, financial or other dependence of the victim, is punishable by a fine in the amount of 500 to 700 times the minimum monthly wage, or correctional labor for up to 2 years, up to 2 years of imprisonment.

Article 141. Sexual Intercourse And Other Actions of Sexual Character With an Individual Under 16 Years of Age

(1) Sexual intercourse, homosexuality or lesbianism committed by an individual at the age of 18 years with an individual under 16 years of age when there are no elements of the crime stipulated by Article 138 and Article 139 of the present Code, is punishable by deprivation of freedom for a period of 2 to 5 years.

(2) The same actions:

- a) taking advantage of an official position;
- b) committed by a parent, teacher or other person who is imposed responsibilities for upbringing, are punishable by imprisonment for a period of 3 to 5 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years or without it.

Article 142. Debauched Actions

(1) Commitment of debauched actions without violence in relation to an individual under 16 years of age when there are no elements of the crime specified by Article 139 of the present Code, is punishable by up to 3 years' imprisonment.

(2) The same actions:

- a) using violence or threat of violence;
- b) using an official position;
- c) committed by a parent, teacher or other person who is imposed responsibilities for upbringing,
- d) committed to juveniles, are punishable by imprisonment for a period of 2 to 5 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years or without it.

CHAPTER 19. Crimes Against Constitutional Rights and Freedoms of an Individual and Citizen

Article 143. Violation of Equality of Citizens

(1) Direct or indirect violation or restriction of rights and freedoms of an individual and citizen depending on sex, race, nationality, language, social origin, personal, financial or official position, place of residence, attitude to religion, convictions, belonging to public units, causing damage to the rights and lawful interests of a citizen, is punishable by a fine in the amount of 200 to 500 times the minimum monthly wage, or deprivation of freedom for up to 2 years.

(2) The same actions, committed by a person:

- a) using violence or threat of violence;
- b) using his official position, are punishable by imprisonment for a period of 2 to 5 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years or without it.

Article 144. Spying On Information About Private Life

(1) Unlawful gathering information about private life which is a personal or family secret of another person without his consent, or distributing such an information in public speeches, printed works or mass media, if these actions were committed for mercenary motives or other personal interest and caused an injury to the rights and lawful interests of

citizens, is punishable by a fine in the amount of 200 to 500 times the minimum monthly wage, or correctional labor for up to 1 year, or up to 4 months of confinement.

(2) The same actions, committed by a person taking advantage of his official position, are punishable by a fine in the amount of 500 to 800 times the minimum monthly wage, or correctional labor for up to 2 years, or confinement for up to 6 months with deprivation of the right to hold certain positions or to be engaged in a certain activity for 5 years.

Article 145. Divulging Medical Secret

(1) Divulging information about diseases or results of medical examination of a patient by a medical, pharmaceutical or other employee without professional or official necessity, is punishable by deprivation of the right to hold certain positions or be engaged in certain activities for up to 2 years or confinement for up to 4 months.

(2) The same actions expressed in giving the information about having AIDS infection by a person, are punishable by imprisonment for a period of up to 2 years simultaneously with deprivation of the right to hold certain positions or to be engaged in certain activities for the same period of time.

(3) The actions, specified in paragraphs 1 and 2 of the present Article if they carelessly caused a serious consequences, are punishable by 2 to 5 years of imprisonment simultaneously with deprivation of the right to hold certain positions or be engaged in certain activities for the same period of time.

Article 146. Interference with the Correspondence, Telephone Conversations, Telegrams, Post and Other Information

(1) Interference with correspondence, telephone conversations, telegrams, post and other information of citizen is punishable by a fine in the amount of up to 200 times the minimum monthly wage, or correctional labor for up to 1 year.

(2) The same actions committed by an individual using his official position or special technical means intended for secretly getting the information are punishable by a fine in the amount of 200 to 500 times the minimum monthly wage or in the amount appropriate to the part of an offender's wage or another income for a period of up to 6 months, or deprivation of the right to hold certain position or to be engaged in certain activity for a period of 2 to 5 years, or confinement for a period of 2 to 4 months.

(3) Illegal production, selling, or purchasing with the goal of selling the special technical means, intended for secretly getting the information is punishable by a fine in the amount of 500 to 800 times the minimum monthly wage or in the amount appropriate to the part of an offender's wage or another income for a period of 5 to 8 months, or up to 5 years of restriction of liberty, or deprivation of the right to hold certain position or to be engaged in certain activity for the period of 5 to 10 years.

Article 147. Violation of Sanctity of Dwelling

(1) Unlawful intrusion into a home against the will of an individual living in it, or depriving somebody of his dwelling is punishable by a fine in the amount of 300 to 800 times the minimum monthly wage, or imprisonment for up to 3 years.

(2) The same action, if committed:

- a) using force or threat of its using;
- b) using an official position;
- c) with illegal setting the overhearing or other special equipment in the lodging, -

is punishable by 3 to 5 years of imprisonment, or up to 5 years of deprivation of the right to hold certain position or to be engaged in certain activity or without it.

Article 148. Refusal of Providing a Citizen with the Information

Unlawful refusal of an official to provide a citizen with the documents and materials directly infringing citizen's rights and freedoms, and gathered in an established order, as well as providing an individual with incomplete or intentionally misrepresented information, if it caused a damage to the rights and interests of this citizen is punishable by a fine in the amount of 300 to 500 times the minimum monthly wage or in the amount appropriate to the part of an offender's

wage or another income for a period of 3 to 5 months, or 3 to 5 years of deprivation of the right to hold certain position or to be engaged in certain activity.

Article 149. Illegal Restriction of Rights to Move, Free Choice of Place of Residence, Departure From the Republic of Tajikistan and Return of a Citizen

(1) Illegal restriction of rights to move, free choice of place of residence, departure from the republic and return of a citizen, is punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or deprivation of the right to hold specific positions or be engaged in a specific activity for up to 3 years.

(2) The same actions:

a) causing grave consequences;

b) committed by a person taking advantage from his official position, are punishable by imprisonment for up to 2 years with deprivation of the right to hold specific positions or be engaged in a specific activity for a period of 3 to 5 years.

Article 150. Impeding the Exercise of the Electoral Rights And the Work of Election Commissions

(1) Impeding a citizen from exercising his electoral rights and participating in a referendum as well as impeding the work of election commissions on conducting referendums, is punishable by a fine in the amount of 200 to 400 times the minimum monthly wage

or up to 1 year of correctional labor, or confinement for up to 6 months.

(2) The same actions:

a) along with bribery, fraud, violence or threat of violence;

b) committed by a person using his official position;

c) committed by a group of individuals in a conspiracy or by an organized group, are punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or correctional labor for up to 2 years, or confinement for up to 6 months, or up to 3 years of imprisonment with deprivation of the right to hold certain positions or be engaged in a certain activity for up to 5 years or without it.

Article 151. Falsification of Election And Referendum Documents or Incorrect Counting of Votes

Forgery of election and referendum documents, intentional incorrect counting of votes, as well as impeding the secrecy of voting committed by a member of the election commission, initiative group or referendum commission, is punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or deprivation of freedom for up to 4 years with deprivation of the right to hold certain positions or be engaged in a certain activity for up to 5 years or without it.

Article 152. Compulsion to Be On a Strike or Non-Participation In a Strike

Compulsion to be on a strike or to non-participation in a lawful strike by violence or threat of violence, is punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or up to 5 years of restriction of freedom, or deprivation of freedom for the same period.

Article 153. Violation of the Labor Legislation

Unlawful dismissal of an individual from his office, delaying the wage as well as intentional violation of the Labor Law of the Republic Tajikistan, is punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or deprivation of freedom for up to 3 years.

Article 154. Breaking the Rules of Labor Protection

(1) Breaking the rules of safety arrangements or other rules of labor protection by an individual who is responsible for their observance, if it caused minor or major bodily injury or professional disease due to carelessness, is punishable by

a fine in the amount of 200 to 500 times the minimum monthly wage or correctional labor for up to 2 years, or deprivation of freedom for the same period.

(2) The same action resulting in the death of an individual or major bodily injury to several persons, is punishable by imprisonment for up to 5 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years or without it.

(3) The violation specified by Part 1 of the present article, resulting in the death of two or more persons, is punishable by imprisonment for a period of 3 to 8 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years or without it.

Article 155. Groundless Refusal to Accept for a Job or Groundless Dismissal of a Woman who Has a Child Under 3 Years of Age

Groundless refusal to accept for a job or groundless dismissal of a woman due to pregnancy, as well as groundless refusal to accept for a job or groundless dismissal of a woman who has a child under 3 years of age, is punishable by a fine of 300 to 500 times the minimum monthly wage or correctional labor for up to 2 years.

Article 156. Infringing Copyright, Adjoining Rights and Rights of Patentees

(1) Publication under one's name of somebody else's scientific, literary, musical or artistic work as well as somebody else's program for computer or database, or other appropriation of the authorship of such work, invention, as well as forcing an author to co-author, is punishable by a fine in the amount of 200 to 500 times the minimum monthly wage or correctional labor for up to 2 years.

(2) Unlawful using of objects of copyright or adjoining rights as well as unlawful using an invention, useful model, program for computer or database, divulging the idea of an invention, useful model, industrial samples without the inventor's consent before official publication of the information about them, if these actions caused substantial damage, are punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or restriction of freedom for up to 3 years, or imprisonment for up to 2 years.

(3) The actions specified by Parts 1 and 2 of the present article , committed by a group of individuals in a conspiracy, are punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or deprivation of freedom for a period of 2 to 5 years.

Article 157. Impeding a Religious Organization's Activity

Impeding legal activity of religious organizations or religious rituals, if they don't violate public order and don't infringe upon citizen's rights, is punishable by a fine in the amount of up to 500 times the minimum monthly wage or correctional labor for up to 2 years, or confinement for up to 3 months.

Article 158. Impeding Activity of Political Parties and Public Unions

Impeding legal activity of political parties and public unions as well as interfering in their legal activity , which caused substantial violation of their rights and lawful interests, is punishable by a fine in the amount of 200 to 500 times the minimum monthly wage or up to 3 years of restriction of freedom, or correctional labor for up to 2 years, or confinement for up to 4 months.

Article 159. Organizing Political Parties, Public Unions and Religious Organizations Which Infringe Upon a Person and Citizens' Rights

Organization of political parties, religious organizations or public unions, activity of which causes injury to the health of citizens or other infringements upon a person and rights of citizens, is punishable by a fine in the amount of 1000 to 1500 times the minimum monthly wage or up to 3 years of restriction of freedom, or confinement for up to 4 months, or deprivation of freedom for up to 3 years.

Article 160. Breaking the Order for Conducting and Organizing Meetings, Mass-Meetings, Demonstrations, Street Processions, Picketing

(1) Breaking the order for conducting and organizing meetings, mass-meetings, demonstrations, street processions, picketing after imposing an administrative penalty for this act, is punishable by a fine of 1000 to 2000 times the minimum monthly wage or imprisonment for up to 2 years.

(2) The same actions committed using an official position or causing a crime, are punishable by imprisonment for a period of 3 to 5 years with deprivation of the right to hold certain positions or be engaged in a certain activity for up to 5 years or without it.

Article 161. Impeding Conducting of a Meeting, Demonstration, Procession, Picketing or Participation in Them

(1) Unlawful impeding a meeting, demonstration, procession, picketing or participation in them, or forcing to participation, if these actions were committed by violence or threat of violence, is punishable by a fine in the amount of 1000 to 1500 times the minimum monthly wage or imprisonment for up to 3 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years or without it.

(2) The same actions committed using official position, are punishable by imprisonment for a period of 3 to 5 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

Article 162. Impeding a Journalist's Legal Professional Activity

(1) Impeding a journalist's legal professional activity in any form, as well as forcing him to distribute an information or refuse it along with the threat of violence, destroying or damaging property, distributing slandering fabrications or making public other information, which a victim to keep as a secret, as well as by threat of infringement of rights and lawful interests of a journalist are punishable by a fine in the amount of 500 to 800 times the minimum monthly wage or up to 2 years of correctional labor, or up to 6 months of confinement.

(2) The same actions committed along with:

- a) use of force;
- b) destroying and damaging property;
- c) using by an individual of his official position, -

are punishable by up to 3 years of restriction of liberty, or up to 5 years of imprisonment with deprivation of the right to hold specific positions or be engaged in a specific activity for up to 3 years or without it.

Article 163. Breaking the Law on Citizens' Appeal

(1) Unlawful refusal to consider an appeal, violation without respectable grounds of the terms of considering appeals, making an unsubstantiated, unlawful decision, as well as breaking the law on citizens' appeals which caused substantial damage to the rights or lawful interests of citizens, society or state, are punishable by a fine in the amount of 500 to 800 times the minimum monthly wage or up to 2 years of correctional labor, or up to 6 months of confinement with deprivation of the right to hold certain positions or be engaged in a certain activity for up to 3 years or without it.

(2) Persecuting a citizen by an official in connection with his appeal to a state organ, enterprise, establishment, organization, public union, or for criticism containing in the appeal is punishable by a fine of 1500 to 2000 times the minimum monthly wage or up to 5 years of restriction of liberty with deprivation of the right to hold certain positions or be engaged in a certain activity for up to 5 years.

Article 164. Impeding a Principal Compulsory Common (Nine-year) Education

Impeding by a physical person in getting a principal compulsory common (nine-year) education, is punishable by a fine of 1000 to 2000 times the minimum monthly wage or restriction of liberty for up to 2 years, or confinement for up to 6 months.

CHAPTER 20. Crimes Against Family and Minors

Article 165. Involving a Minor In Committing a Crime

(1) Involving a minor in committing a crime using promises, fraud, threat, or other means committed by an individual attained the age of 18 is punishable by up to 2 years of imprisonment.

(2) The same action committed by a parent, pedagogue, or other individual who bears an obligation on upbringing the minors is punishable by up to 3 years of imprisonment simultaneously with deprivation of the right to hold certain positions or to be engaged in a certain activity for the period of up to 3 years or without it.

(3) The actions specified in paragraphs 1 and 2 of the present Article committed using force or threat of its using are punishable by imprisonment for a period of 2 to 5 years.

(4) The actions specified in paragraphs 1, 2, or 3 of the present Article connected with involving a minor:

- a) in an organized group or criminal community;
- b) in committing a felony or especially grievous crime,-

are punishable by imprisonment for a period of 5 to 10 years.

Article 166. Involving a Minor In Committing Anti-Social Actions

(1) Involving a minor in systematic drunkenness, non-medical using of drastic or other stupefied substance, prostitution, vagrancy or begging, committing actions connected with producing materials or objects of pornographic character committed by an individual who has reached the age of 18 is punishable by up to 1 year of correctional labor, or up to 2 years of imprisonment.

(2) The same action committed by a parent, pedagogue, or other individual who bears an obligation on upbringing a minor is punishable by up to 3 years of imprisonment simultaneously with deprivation of the right to hold certain position or to be involved in certain activity for 3 years or without it.

(3) The actions specified in paragraphs 1 and 2 of the present Article:

- a) committed in relation to two or more minors;
- b) connected with using force or threat of its using
- c) committed repeatedly, -

are punishable by up to 5 years of imprisonment simultaneously with deprivation of the right to hold certain position or to be involved in certain activity for 2 to 5 years.

Article 167. Trade of Minors

(1) The actions intended to committing a sale or buying of a minor in any form is punishable by imprisonment for a period of 5 to 8 years.

(2) The same actions, if committed:

- a) repeatedly;
- b) in relation to 2 or more minors;
- c) by a group of individuals in a conspiracy;
- d) using official position;
- e) along with illegal import or export of person;
- f) with the goal of involving a person in committing a crime or other antisocial behavior;
- g) with the goal of taking organs and tissues of a person for the transplantation,

are punishable by imprisonment for a period of 8 to 12 years simultaneously with up to 3 years of the deprivation of the right to hold certain positions or to be involved in a certain activity or without it.

(3) The actions specified in paragraphs 1 and 2 of the present Article if:

- a) committed by an organized group;
- b) carelessly caused the death or other serious consequences,

are punishable by imprisonment for a period of 10 to 15 years simultaneously with the deprivation of the right to hold certain position or to be involved in certain activity for the period of 2 to 5 years.

Article 168. Giving in Marriage a Girl Who Has Not Reached Marriage Age

Giving in marriage a girl who has not reached marriage age by parents or guardians, is punishable by correctional labor for up to 2 years or restriction of freedom for the same period, or confinement for up to 6 months.

Article 169. Contracting a Marriage in Relation to a Person Who Has Not Reached Marriage Age

Contracting a marriage in relation to a person who has not reached marriage age, is punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or correctional labor for up to 2 years, or up to 6 months of confinement.

Article 170. Polygamy

Polygamy, that is contracting a marriage with two or more women is punishable by a fine in the amount of 200 to 500 times the minimum monthly wage or up to 2 years of correctional labor.

Article 171 Substitution of a Child

(1) Substitution of a child is punishable by a fine of 500 to 1000 times the minimum monthly wage or up to 4 years of restriction of liberty, or up to 3 years of imprisonment.

(2) The same action committed with mercenary or other vile motives is punishable by up to 5 years of imprisonment.

Article 172 Illegal Adoption

Unlawful actions of adopting children, giving them for ward (guardianship), for upbringing to the families of citizens, committed repeatedly or with mercenary or other vile motives are punishable by a fine of 500 to 800 times the minimum monthly wage or up to 2 years of correctional labor, or up to 6 months of confinement.

Article 173 Disclosure of the Fact of an Adoption

Disclosure of the fact of an adoption against the will of the adopting parent committed by a person who was obliged to keep the fact of an adoption as an official or professional secret, or by other person with a mercenary or other vile motives is punishable by a fine of 300 to 500 times the minimum monthly wage or up to 1 year of correctional labor, or up to 4 months of confinement simultaneously with the deprivation of the right to hold certain positions or to be involved in a certain activity for up 5 year term or without it.

Article 174 Non-Fulfillment of the Obligation on Upbringing of a Minor

Non-fulfillment or undue fulfillment of the obligation on upbringing of a minor by a parent or other person who is imposed with this obligation, as well as by a pedagogue or other employee of an educational or training institution, if this action is committed along with cruel treatment of a minor is punishable by up to 2 years of restriction of liberty, or imprisonment for the same period of time simultaneously with the deprivation of the right to hold certain position or to be involved in certain activity for a period of up to 3 years or without it.

Article 175. Undue Fulfillment of the Obligation on Providing the Life And Health Safety of Children

(1) Undue fulfillment of the obligation on providing the life and health safety of a minor by a person who is imposed with such an obligation due to his service, or by a person who fulfills these obligations under special assignment, or voluntarily took such obligations, if it caused carelessly a minor bodily injury to a minor is punishable by imprisonment for a period of 3 to 5 years simultaneously with the deprivation of the right to hold certain positions or to be involved in a certain activity up to 3 years.

(2) The same action, if it caused:

- a) carelessly a major bodily injury to a minor;
- b) his/her death due to negligence, -

is punishable by imprisonment for a period of 5 to 8 years simultaneously with the deprivation of the right to hold certain positions or to be involved in a certain activity for a period of 3 to 5 years.

Article 176. Abuse of Rights of Guardian and Tutor

Using the guardianship or tutorship with mercenary or other vile motives, as well as intentional leaving a ward without supervision or necessary help, if it caused substantial infringement of rights and lawful interests of a ward is punishable by a fine of 300 to 500 times the minimum monthly wage or up to 2 years of correctional labor simultaneously with the right to hold certain positions or to be involved in a certain activity for the same period of time.

Article 177. Malicious Evasion of Parents from Child Support

Malicious, that is parents' evasion without respectable grounds from paying for upkeep of minors for more than 3 months according to the decision of court, as well as in regard to disabled children who have reached the age of 18 is punishable by a fine in the amount of up to 400 times the minimum monthly wage or up to 2 years of correctional labor, or imprisonment for the same period of time.

Article 178. Children's Malicious Evasion from disabled Parents Support

Malicious, that is major children's evasion without respectable grounds from paying for upkeep of disabled and needy in financial support parents for more than 3 months according to the decision of court is punishable by up to 3 years of restriction of liberty, or up to 6 months of confinement.

SECTION VIII. CRIMES AGAINST PUBLIC SECURITY AND HEALTH OF POPULATION

CHAPTER 21 Crimes Against Public Security

Article 179. Terrorism

(1) Terrorism, that is committing an explosion, arson, firing with firearms or other actions, which create the danger of destroy people, causing a substantial financial damage or coming other socially dangerous consequences, if these actions committed with the goal of violating public security, frightening the population or influencing the decision-making of the power organs, as well as threat of committing the mentioned actions with the same goals are punishable by imprisonment for a period of 5 to 10 years.

(2) The same actions, if committed:

- a) by a group of individuals in a conspiracy ;
- b) repeatedly,-

are punishable by imprisonment for a period of 8 to 15 years simultaneously with confiscation of property.

(3) Attempt to murder, major bodily injury caused to a statesman or public man or representative of the power, committed in relation with their state or public activity with the goal of destabilization of the situation or influencing the decision-making of the state bodies or hindering the political or public activity, -

is punishable by imprisonment for a period of 10 to 18 years simultaneously with confiscation of property.

(4) The actions specified in paragraphs 1, 2, or 3 of the present Article, if they:

- a) committed by an organized group;
- b) committed along with threat of using a weapon of mass destruction, radioactive materials and committing other actions which can lead to mass loss of people;
- c) committed by an especially dangerous recidivist;
- d) caused carelessly death of a person or other serious consequences, -

are punishable by imprisonment for a period of 15 to 20 years simultaneously with confiscation of property, or death penalty.

Note: A person who participated in preparation of the act of terrorism are released from criminal liability, if he/she assists in preventing the act of terrorism by informing in time the organs of state power or by other manner, and if there is no other elements of crime in his/her actions.

Article 180. Knowingly False Informing About Act of Terrorism

Knowingly false information about planning explosion, arson and other actions which create a danger of death of people, causing a substantial property damage or other socially dangerous consequences is punishable by up to 2 years of correctional labor or imprisonment for the same period of time.

Article 181 Capture of Hostages

(1) Capture or keeping an individual as a hostage, committed with the goal of forcing the state (government), an organization, or a citizen to commit some action or refrain committing some action as a condition of release of a hostage is punishable by imprisonment for a period of 5 to 10 years.

(2) The same actions, if committed:

- a) repeatedly;
- b) by a group of individuals or by a conspiracy;
- c) along with violence dangerous for life or health, or with threat of using such a violence;
- d) using weapon or subjects, which can be used as a weapon;
- e) knowingly towards a minor;
- f) towards a woman who knowingly for an offender was pregnant;
- g) in relation with a person who knowingly was in a helpless condition;
- h) for mercenary motives or by hired individuals in relation to two or more persons, -

are punishable by imprisonment for a period of 12 to 15 years.

(3) The actions, specified in paragraphs 1 or 2 of the present Article, if they:

- a) committed by an organized group;
- b) caused carelessly death of a person or a major bodily injury to his health, or other serious consequences;
- c) committed by an especially dangerous recidivist, -

are punishable by imprisonment for a period of 12 to 20 years or death penalty.

Note: A person, who voluntarily or by request of authorities released hostages, would be released from criminal liability, if there were no elements of other crimes in his actions.

Article 182 Capture of Buildings, Constructions, Means of Information and Communication

(1) Capture of buildings, constructions, means of information and communication, other communications, or their keeping, committed along with threat of their destroying or damaging with the goal of forcing a state, organization, or citizen to commit some action, or refrain from committing some action as a condition of releasing the hostage is punishable by imprisonment for a period of 2 to 5 years.

(2) The same actions, if committed:

- a) repeatedly;
- b) by a group of individuals in a conspiracy;
- c) with violence dangerous for life or health, or with the threat of using such a violence;
- d) using a weapon or subjects, which can be used as a weapon, -

are punishable by imprisonment for a period of 5 to 10 years.

(3) The actions, specified in paragraphs 1 or 2 of the present Article, if they:

- a) committed by an organized group;
- b) caused carelessly an injury to the health, or death of a human;
- c) committed by an especially dangerous recidivist,-

are punishable by imprisonment for a period of 8 to 15 years.

Article 183 Piracy

(1) Assault to a water transport with the goal of appropriating alien property, committed using violence or with the threat of its using is punishable by imprisonment for a period of 5 to 12 years simultaneously with or without confiscation of property.

(2) The same actions, if committed:

- a) by an organized group;
- b) caused carelessly serious consequences;
- c) repeatedly, or using a weapon or objects which can be used as weapons, -

are punishable by imprisonment for a period of 12 to 20 years simultaneously with confiscation of property.

Article 184 Stealing or Capture of an Aircraft, or Railroad Rolling-Stock

(1) Stealing an aircraft or ship or railroad rolling-stock, as well as capture of such a ship or rolling-stock with the goal of stealing is punishable by imprisonment for a period of 5 to 8 years.

(2) The same actions, if committed:

- a) repeatedly;

- b) by a group of individuals or by a conspiracy;
- c) using violence dangerous for life or health, or with threat of using such a violence;
- d) using weapon or subjects, which can be used as a weapon, -

are punishable by imprisonment for a period of 8 to 12 years simultaneously with confiscation of property.

(3) The actions specified in paragraphs 1 or 2 of the present Article, if they:

- a) committed by an organized group;
- b) caused carelessly death of a human or serious consequences;
- c) committed by an especially dangerous recidivist, -

are punishable by imprisonment for a period of 12 to 15 years simultaneously with confiscation of property, or death penalty.

Article 185. Organization of an Illegal Armed Formation

(1) Organization of an illegal armed formation (association, command, troops, or other group), as well as leadership over such a formation or participation in it, is punishable by imprisonment for a period of 5 to 8 years.

(2) The same actions committed by an individual using his official position are punishable by imprisonment for a period of 8 to 12 years simultaneously with up to 5 years of deprivation of the right to hold certain positions or to be involved in a certain activity.

Note: A person who voluntarily ceased his participation in an illegal armed formation and gave his weapon is to be released from criminal liability if there are no elements of other crimes in his actions.

Article 186. Banditry

(1) Forming a stable armed group (band) with the goal of attacking citizens or organizations, leadership over such a group (band) is punishable by imprisonment for a period of 15 to 20 years simultaneously with confiscation of property or without it, or death penalty.

(2) Participation in a stable armed group (band) or participation in attacks committed by it is punishable by imprisonment for a period of 10 to 15 years simultaneously with confiscation of property or without it .

(3) The actions specified in paragraph 1 and 2 of the present Article, if committed by an individual using his official position, or if there is a dangerous or an especially dangerous recidivism, - are punishable by imprisonment of 15 to 20 years simultaneously with confiscation of property and deprivation of the right to hold certain positions or to be involved in a certain activity for a period of up to 5 years, or death penalty.

Article 187. Organizing a Criminal Community (Criminal Organization)

(1) Organizing of a criminal community (criminal organization) for committing felonies or especially grievous crimes, as well as leadership over such a community (organization) or structural elements which compose it, as well as creation of an association of organizers, leaders, or other representatives of organized groups with the goal of preparing plans and conditions for committing felonies or especially grievous crimes is punishable by imprisonment for a period of 15 to 20 years simultaneously with confiscation of property or without it.

(2) Participation in a criminal community (criminal organization) or in an association of organizers, leaders, or other representatives of organized groups is punishable by imprisonment for a period of 8 to 12 years simultaneously with confiscation of property or without it.

(3) The actions, specified in paragraphs 1 or 2 of the present Article, committed by an individual using his official position, or if there is a dangerous or especially dangerous recidivism are punishable by imprisonment for a period of 15

to 20 years simultaneously with confiscation of property and the right to hold certain positions or to be involved in a certain activity for a period of up to 5 years.

Note: A person, who voluntarily informed the state organs about his participation in a criminal community and assisted to the prevention of its activity, is to be released from criminal liability, if there are no elements of other crimes in his actions.

Article 188. Mass Disorders

(1) Organizing mass disorders, which were along with violence upon personality, pogroms, arsons, damage or destroying property, using firearms, explosive mechanisms or explosives, as well as resistance to authorities using weapons or other objects, which can be used as weapons, as well as participation in these actions is punishable by imprisonment for a period of 5 to 12 years.

(2) Appeals to an active disobedience to lawful requests of representatives of authority, and to a mass disorder, as well as appeals to violence on citizens are punishable by up to 2 years of restriction of liberty, or confinement of 2 to 4 months, or up to 3 years of imprisonment.

Article 189. Arousing National, Racial, Local or Religious Hostility

(1) The actions, which lead to arousing national, racial, local or religious hostility, or dissension, humiliating national dignity, as well as propaganda of the exclusiveness of citizens by a sign of their relation to religion, national, racial, or local origin, if these actions were committed in public or using means of mass media are punishable by up to 5 years of restriction of liberty or imprisonment for the same period of time.

(2) The same actions, if committed:

- a) repeatedly;
- b) using violence or threat of its using;
- c) using an official position;
- d) by a group of individuals or group of individuals in a conspiracy, -

are punishable by imprisonment for a period of 5 to 10 years simultaneously with deprivation of the right to hold certain positions or to be involved in a certain activity of 2 to 5 years or without it.

(3) The actions, specified in paragraphs 1 and 2 of the present Article, if they:

- a) committed by an organized group;
- b) caused carelessly death of a human or other serious consequences;
- c) caused forcible expulsion of a citizen from his permanent place of residence;
- d) committed by a dangerous or an especially dangerous recidivist, -

are punishable by imprisonment for a period of 8 to 12 years simultaneously with deprivation of the right to hold certain positions or to be involved in a certain activity for up to 5 years or without it.

Article 190. Violating the Security Rules of Conducting Mining, Construction or Other Works

(1) Violating the security rules while conducting mining, construction or other works, if it caused carelessly a major or minor injury to the health of a person is punishable by a fine of 400 to 800 times the minimum monthly wage or up to 3 years of restriction of liberty, or imprisonment for the same period of time.

(2) The same action, if caused carelessly death of a person or other serious consequences is punishable by up to 5 years of restriction of liberty, or imprisonment for the same period of time.

Article 191 Violating the Security Rules in Explosively Dangerous Objects

(1) Violating the security rules in explosively dangerous objects or explosively dangerous shops, if it caused carelessly a major or minor injury to the health of a person is punishable by a fine in the amount of up to 500 times the minimum monthly wage or up to 4 years of restriction of liberty, or up to 3 years of imprisonment simultaneously with deprivation of the right to hold certain positions or to be involved in a certain activity for up to 3 years or without it.

(2) The same action, if caused carelessly the death of a person or other serious consequences is punishable by up to 5 years of restriction of liberty or imprisonment for the same period of time simultaneously with deprivation of the right to hold certain positions or to be involved in a certain activity for up to 5 years.

Article 192 Violating Fire Security Rules

(1) Violating fire security rules committed by an individual who bore responsibility to implement them, and committed after imposing an administrative penalty is punishable by a fine of 500 to 800 times the minimum monthly wage or up to 3 years of restriction of liberty.

(2) The same action, if caused carelessly:

- a) grave consequences;
- b) death of a person or other serious consequences -

is punishable up to 5 years of restriction of liberty or imprisonment for the same period of time.

Article 193 Illegal Dealing with Radioactive Materials

(1) Illegal buying, selling, keeping, using, transportation, passing, or destroying radioactive materials is punishable a fine of 500 to 1000 times the minimum monthly wage or up to 2 years of restriction of liberty, or imprisonment for the same period of time.

(2) The same actions, if caused carelessly a major or minor injury to the health are punishable a fine of 1000 to 2000 times the minimum monthly wage or up to 3 years of restriction of liberty, or imprisonment for the same period of time.

(3) The actions, specified in paragraph 1 of the present Article, if caused carelessly death of a person or other serious consequences are punishable by imprisonment for a period of 5 to 10 years.

Article 194. Stealing of Radioactive Materials

(1) Stealing of radioactive materials is punishable a fine of 1000 to 2000 times the minimum monthly wage or up to 5 years of imprisonment.

(2) The same actions, if committed:

- a) repeatedly;
- b) by a group of individuals or by a group of individuals in a conspiracy;
- c) using by an individual his official position;
- d) using violence, which is not dangerous for life and health, -

is punishable by imprisonment for a period of 5 to 12 years simultaneously with confiscation of property or without it.

(3) The actions, specified in paragraphs 1 or 2 of the present Article, if committed:

- a) by an organized group;
- b) using violence dangerous for life and health, or with the threat of using such a violence;

c) using by an individual his official position;

d) by a dangerous or especially dangerous recidivist, - is punishable by imprisonment for a period of 12 to 20 years simultaneously with confiscation of property or without it.

Note: Repeatedly as a meaning in this Article and in Articles 199 and 202 of the present Code is considered to be commitment of a crime, if there had already been committed one or more crimes provided for in these Articles, as well as in Articles 186, 244-251 of the present Code.

Article 195. Illegal Buying, Selling, Keeping, Transportation or Carrying Weapons, Ammunitions, Explosives and Explosive Mechanisms

(1) Illegal buying, selling, keeping, transportation or carrying a firearm, as well as illegal buying, selling, keeping, transportation or carrying ammunitions, explosives or explosive mechanisms, as well as gas mixtures and easily inflammable substances destined for using as a weapon is punishable by up to 7 years of imprisonment.

(2) The same actions, if committed:

a) repeatedly;

b) by a group of individuals in a conspiracy;

c) in substantial amounts, -

are punishable by imprisonment for a period of 8 to 12 years.

(3) The action specified in paragraph 1 of the present Article, committed by a group, as well as illegal buying, selling, keeping, transportation or carrying a nuclear, chemical, biological, (bacteriological) or other kinds of mass destruction weapons or materials or equipment, which can be used for creating mass destruction weapons is punishable by imprisonment for a period of 12 to 15 years.

(4) Illegal buying, selling, keeping or carrying gas weapons, daggers, Finnish daggers or other kinds of side-arms inter alia missile weapons is punishable by up to 2 years of correctional labor, or up to 4 months of confinement, or up to 2 years of imprisonment simultaneously with a fine of up to 500 times the minimum monthly wage.

Note: (1) A person, who voluntarily gave the objects mentioned in the present Article would be released from criminal liability, if there were no elements of other crimes in his actions.

(2) Large amounts are considered to be firearms (two or more), ammunitions (grenades,

Article 196. Illegal Making a Weapon

(1) Illegal making or repairing a firearm, completing details to it, as well as making an ammunition, explosives, or explosive mechanisms is punishable by up to 5 years of imprisonment.

(2) The same actions, if committed repeatedly or by a group of individuals in a conspiracy are punishable by imprisonment for a period of 5 to 8 years.

(3) The actions, specified in paragraphs 1 or 2 of the present Article, committed by an organized group or by a dangerous or especially dangerous recidivist are punishable by imprisonment for a period of 8 to 12 years.

(4) Illegal making a gas weapon, as well as daggers, Finnish daggers, or other side-arms inter alia missile weapon is punishable by correctional labor of 1 to 2 years, or confinement of 4 to 6 months, or up to 2 years of imprisonment.

Note: A person, who voluntarily gave the subjects mentioned in the present Article would be released from criminal liability, if there were no elements of other crimes in his actions.

Article 197. Negligent Keeping of a Firearm

Negligent keeping of the firearms, which created conditions for its using by another individual, if it caused serious consequences is punishable by restriction of liberty for a period of 2 to 5 years or up to 2 years of imprisonment.

Article 198. Undue Fulfillment of Obligations on Guarding a Weapon Ammunition, Explosives and Explosive Mechanisms

(1) Undue fulfillment of obligations by a person, who was in charge of guarding a firearm, ammunition, explosives or explosive mechanisms, if it caused their stealing or destroying or other serious consequences is punishable by up to 5 years of restriction of liberty or imprisonment for the same period of time simultaneously with deprivation of the right to hold certain positions or to be involved in a certain activity for up to 3 years or without it.

(2) Undue fulfillment of obligations on guarding nuclear, chemical, biological or other kinds of weapon of mass destruction, or materials and equipment, which can be used for creating weapons of mass destruction, if it caused serious consequences or created the threat of their coming is punishable by imprisonment for a period of 3 to 7 years simultaneously with deprivation of the right to hold certain positions or to be involved in a certain activity for up to 5 years.

Article 199. Stealing of Weapons, Ammunitions, Explosives, and Explosive Mechanisms

(1) Stealing of a firearm, completing details to it, ammunitions, explosives, or explosive mechanisms is punishable by imprisonment for a period of 3 to 5 years.

(2) Stealing of nuclear, chemical, biological (bacteriological) and other kinds of weapon of mass destruction, as well as materials or equipment, which can be used for creating of weapons of mass destruction is punishable by imprisonment for a period of 7 to 10 years.

(3) The actions, specified in paragraphs 1 or 2 of the present Article if committed:

- a) repeatedly;
- b) by a group of individuals in a conspiracy;
- c) using violence not dangerous for life or health, or along with threat of using such a violence, -

is punishable by imprisonment for a period of 8 to 12 years simultaneously with confiscation of property or without it.

(4) The actions, specified in paragraphs 1, 2, or 3 of the present Article, if committed:

- a) by an organized group;
- b) using violence dangerous for life or health, or along with threat of using such a violence;
- c) using by an individual his official position;
- d) by a dangerous or especially dangerous recidivist, -

are punishable by imprisonment for a period of 12 to 20 years simultaneously with confiscation of property.

Article 204 Smuggling

(1) Smuggling, i.e. transportation of goods or other subjects in large amount through border customs of the Republic of Tajikistan, except for the subjects mentioned in paragraph 2 of the present Article, committed avoiding or hiding from customs examination, or fraudly using documents or means of customs identification, or along with non-declaring or false declaring is punishable by imprisonment for a period of 5 to 8 years.

(2) Transportation through border customs of the Republic of Tajikistan of narcotics, potent, poisonous, radio-active, explosives, armament, explosive materials, firearms or ammunition of nuclear, chemical, biological and other kinds of the weapon of mass destruction, materials and equipment, which can be used for creation of the weapon of mass destruction and in regard to which there are determined special rules of transportation through the border customs of the Republic of Tajikistan, the strategically important raw materials and cultural values in regard to which there are

determined special rules of transportation through the border customs of the Republic of Tajikistan, if this action committed avoiding or hiding from customs examination, or fraudfully using documents or means of customs identification, or along with non-declaring or false declaring is punishable by imprisonment for a period of 8 to 12 years simultaneously with or without confiscation of property.

(3) The actions, specified in paragraphs 1 or 2 of the present Article, if committed:

- a) repeatedly;
- b) by an official using his official position;
- c) using violence towards a person, who implements customs examination -

are punishable by imprisonment for a period of 10 to 15 years simultaneously with or without confiscation of property.

(4) The actions, specified in paragraphs 1, 2 or 3 of the present Article, committed by an organized group are punishable by imprisonment for a period of 15 to 20 years simultaneously with confiscation of property.

Note: The action, specified in paragraph 1 of the present Article is considered to be committed in a large amount, if the cost of the transported goods exceeds 200 times the minimum monthly wage.

CHAPTER 22 Crimes Against the Health of Population

Article 200. Illegal Trafficking of Narcotics or Psychotropic Substances, Precursors With the Goal of Their Selling

(1) Illegal manufacturing, processing, buying, keeping, transporting or mailing with the goal of selling, as well as illegal selling of the narcotics or psychotropic substances, precursors in small amounts are punishable by imprisonment for a period of 5 to 10 years with confiscation of property or without it.

(2) The actions, specified in paragraph 1 of the present Article, committed in large amounts are punishable by imprisonment for a period of 12 to 15 years simultaneously with confiscation of property.

(3) The actions, specified in paragraphs 1 or 2 of the present Article, if committed:

- a) repeatedly;
- b) by a group of individuals in a conspiracy;
- c) by a dangerous or especially dangerous recidivist;
- d) in the places of serving the sentence as an imprisonment;
- e) using an official position;
- f) by an organized group;
- g) in especially large amounts,-

are punishable by imprisonment for a period of 15 to 20 years simultaneously with confiscation of property, or death penalty.

(4) Violating the rules of producing, manufacturing, processing, keeping, accounting, giving, selling, distributing, transporting, mailing, buying, using, importing, exporting or destroying of narcotics or psychotropic substances, as well as substances, instruments or equipment which are used for manufacturing of narcotics or psychotropic substances being under special control, if this action is committed by an individual who is in charge to observe the mentioned rules is punishable by up to 2 years of correctional labor, or imprisonment for the same period of time simultaneously with up to 3 years of deprivation of the right to hold certain positions or to be engaged in a certain activity.

Note: In articles 200-205 of the present Chapter a crime shall be considered committed repeatedly if it was proceeded by one or more crimes provided for by these articles.

Article 201 Illegal Handling with Narcotics, Psychotropic Substances or Precursors

(1) Illegal manufacturing, processing, buying, keeping, transportation or mailing narcotics, psychotropic substances or precursors are punishable by imprisonment for up to 5 years.

(2) The same actions committed in large amount are punishable by imprisonment for a period of 5 to 10 years with confiscation of property.

(3) The actions specified by paragraphs 1 or 2 of the present Article, if committed:

- a) repeatedly;
- b) by a group of individuals in a conspiracy;
- c) by a dangerous or especially dangerous recidivist;
- d) using an official position;
- e) in especially large amounts,-

are punishable by imprisonment for a period of 10 to 20 years with confiscation of property.

Article 202 Theft of Narcotics, Psychotropic Substances and Precursors

(1) Theft of narcotics, psychotropic substances and precursors is punishable by imprisonment for a period of 5 to 8 years.

(2) The same actions, if committed:

- a) repeatedly;
- b) by a group of individuals in a conspiracy;
- c) by an individual using his official position;
- d) in large amounts;
- e) using violence not dangerous for life or health, or with the threat of using such a violence, -

are punishable by imprisonment for a period of 8 to 12 years simultaneously with confiscation of property or without it with up to 5 years of deprivation of the right to hold certain positions or to be engaged in a certain activity or without it.

(3) The actions, specified in paragraphs 1 or 2 of the present Article, if committed:

- a) by an organized group;
- b) in especially large amounts;
- c) using violence dangerous for life or health, or with the threat of its using ;
- d) by a dangerous or especially danderous recidivist,-

are punishable by imprisonment for a period of 128 to 15 years simultaneously with confiscation of property.

Article 203 Involving in Using Narcotics, Psychotropic Substances or Precursors

(1) Involving in using narcotics psychotropic substances or precursors is punishable by up to 5 years of imprisonment.

(2) The same actions, if committed:

- a) knowingly in relation to minors;
- b) in relation to two or more individuals;
- c) by fraud;
- d) using violence or threat of its using;
- e) repeatedly;
- f) in the places of serving a sentence as imprisonment;
- g) by an organized group, -

is punishable by imprisonment for a period of 3 to 7 years.

(3) The same actions, if they caused carelessly death of a victim or a major bodily injury are punishable by imprisonment for a period of 8 to 12 years.

Article 204 Illegal Cultivation of Prohibited to Growing Plants, Which Contain Narcotics

(1) Cultivation, i.e. illegal planting or growing of plants, which contain narcotic substances is punishable by imprisonment for a period of 5 to 10 years.

(2) The same action, if committed:

- a) repeatedly;
- b) in a conspiracy;
- c) on a field of medium size, -

is punishable by imprisonment for a period of 10 to 15 years with confiscation of property.

(3) The same actions specified in paragraphs 1 and 2 of the present Article, if committed:

- a) by a dangerous or especially dangerous recidivist;
- b) by an organized group;
- c) on a large area;
- d) using an official position,-

are punishable by imprisonment for a period of 15 to 20 years with confiscation of property or death penalty.

Note: In the present article a medium area is more than 0,10 ha, a large area is more than 0,20 ha.

Article 205. Organization or Keeping of Dens for Using Narcotics, Psychotropic Substances or Precursors

(1) Organization or keeping of dens for using narcotics, psychotropic substances and precursors is punished by deprivation of freedom for a period of 3 to 5 years.

(2) The same acts committed :

- a) repeatedly;
- b) by an organized group;
- c) using an official position; -

are punished by deprivation of freedom for a period of 5 to 10 years with confiscation of property.

Article 206. Illegal Trafficking of Drastic or Poisonous Substances With the Purpose of Selling

(1) Illegal manufacturing, buying, storing, transporting or mailing , as well as illegal selling of drastic or poisonous substances, which are not narcotic or psychotropic substances is punishable by limitation of freedom for a period of 3 to 5 years or imprisonment for the same period.

(2) The same actions committed :

- a) by a group of persons in a conspiracy;
- b) repeatedly, -

are punishable by deprivation of freedom for a period of 5 to 7 years with confiscation of property.

(3) Acts specified by Part 1,2 of the present article committed:

- a) by an organized group;
- b) in relation to drastic or poisonous substances in large amounts, -

are punishable by deprivation of freedom for a period of 7 to 10 years.

(4) Violation of rules for manufacturing, buying, storing, transporting or mailing drastic or poisonous substances if it led to stealing or other aggravated consequences, is punishable by correctional labor for up to 2 years , or by up to 2 years' imprisonment with the deprivation of the right to hold specific positions to be engaged in a specific activity for up to 3 years.

Article 207. Violation of Sanitary Epidemiological Regulations

(1) Violation of sanitary epidemiological regulations resulting in mass diseases or poisoning of people, is punishable by correctional labor for up to 2 years or deprivation of freedom for the same period.

(2) The same action resulting in a fatal outcome due to carelessness is punishable by imprisonment for a period of 2 to 5 years.

Article 208. Concealment of Information About Circumstances Causing a Danger to People's Life and Health

(1) Concealment or misrepresentation of information about events and facts causing a danger to people's life or health, or to the environment committed by a person, who must provide the population with such information , is punished by a fine from 500 to 700 times the monthly minimum wage or by limitation of freedom for a period of 3 years.

(2) The same actions:

- a) committed by a person using his position;
- b) which caused a damage to a person's health through carelessness, or other grave consequences, -

are punished by correctional labor for up to 2 years or by imprisonment for up to 3 years with deprivation of the right to hold certain positions or to be engaged in a certain activity for the period of 3 years.

Article 209. Output or Selling of Goods, Execution of Works, Rendering Services Not Answering Safety Measures

(1) Output or selling of goods, execution of works and rendering services not answering safety requirements for life or health of consumers, as well as illegal delivery or use of an official document certifying the conformity of goods, works and services to safety requirements, if these acts caused a damage to a person's health due to imprudence, is punishable by a fine in the amount of 200 to 500 the minimum monthly wages, or by limitation of freedom for up to 2 years, or by imprisonment for up to 2 years with deprivation of the right to hold specific positions or to be engaged in a specific activity for the period of 2 years.

(2) The same actions :

- a) committed in relation to goods, works or services destined for infants;
- b) if they caused a damage to health of two or more victims;
- c) if they caused a person's death, -

are punishable by deprivation of freedom for a period of 3 to 5 years.

(3) The actions specified by Part 1 or Part 2 of the present article, which caused a death of two or more victims, are punishable by deprivation of freedom for a period of 5 to 8 years.

Article 210. Illegal Medical and Private Pharmaceutical Practicing

(1) Medical and private pharmaceutical practicing by a person who hasn't got a license for this activity, which caused a damage to a person due to carelessness, is punishable by a fine in the amount of up to 500 times the minimum monthly wage with deprivation of the right to hold certain positions and be engaged in a certain activity for up to 5 years.

(2) The same action, which caused a person's death, is punishable by imprisonment for up to 5 years with deprivation of the right to hold certain positions and be engaged in a certain activity for up to 5 years.

CHAPTER 23 Crimes Against Traffic Safety And Exploitation of Transport

Article 211 Violation of Traffic Safety Regulations And Exploitation of Railway, Air And Water Transport

(1) Violation of traffic safety regulations and exploitation of railway, air and water transport by a person who is obliged to keep these regulations owing to his work or position, if this act caused minor or major injury to a person's health due to imprudence or substantial damage, - is punishable by correctional labor for up to 2 years, or by imprisonment for the same period with deprivation of the right to hold certain positions or to be engaged in a specific activity for up to 2 years or without it.

(2) The same act which caused a person's death due to imprudence, - is punished by deprivation of freedom for up to 5 years with deprivation of the right to hold specific positions or to be engaged in a specific activity for up to 3 years.

(3) The actions stipulated by Part 1 of the present article, if they:

- a) caused a death of two or more persons;
- b) catastrophe;
- c) other grave consequences, - are punishable by imprisonment for a period of 5 to 12 years with deprivation of the right to hold specific positions or to be engaged in a specific activity for up to 5 years.

Article 212 Violation of Traffic Regulations and Exploitation of Transport Means

(1) Violation of traffic regulations or exploitation of transport means by a person driving a car or other mechanical transport means, which caused a minor or major harm to an individual's health or a great damage, - is punishable by limitation of freedom for up to 3 years or confinement for a period of 3 to 6 months, or by imprisonment for up to 2

years with deprivation of the right to hold specific positions or to be engaged in a specific activity for up to 3 years or without it.

(2) The same action which caused a person's death or major injury to the health, - is punishable by deprivation of freedom for a period of 3 to 8 years with deprivation of the right to hold specific positions or be engaged in a specific activity for 5 years.

(3) The action specified by Part 1 or Part 2 of the present article which caused a death of two or more persons due to imprudence, - is punished by imprisonment for a period of 5 to 10 years with deprivation of the right to hold certain positions or to be engaged in a specific activity for up to 5 years.

Note: Other mechanical transport means include tractors, trolley buses, motor cycles and some others.

Article 213 Bad Repair of Transport Means And Putting Them Into Operation With Technical Faults

(1) Bad repair of transport means, means of communication, means of signaling or other transport equipment, and putting technically defective transport means into operation by a person who is responsible for it, if this act caused a harm to an individual's health or a great damage due to carelessness, - is punishable by correctional labor for up to 2 years, or by imprisonment for the same period with deprivation of the right to hold specific positions or to be engaged in a specific activity for up to 2 years.

(2) The same action, which caused a person's death due to imprudence, - is punishable by imprisonment for a period of 3 to 5 years with deprivation of the right to hold specific positions or to be engaged in a specific activity for up to 3 years.

(3) Actions specified by Part 1 of the present article, if they :

a) caused a death of two or more persons ;

b) catastrophe;

c) other grave consequences, -

are punishable by imprisonment for a period of 5 to 10 years with deprivation of the right to hold specific positions or to be engaged in a specific activity for up to 5 years.

Article 214 Putting Transport Means or Means of Communication Out of Commission

(1) Destruction, damage or putting transport means, means of communication, means of signaling or other transport equipment out of commission, if these acts caused a minor or major injury to a person's health or a great damage due to carelessness, - are punishable by fine in the amount of 1000 to 1500 times the minimum monthly wage or confinement for up to 6 months, or by limitation of freedom for up to 3 years.

(2) The same actions which led to a person's death due to imprudence, - are punishable by deprivation of freedom for a period of 2 to 7 years.

(3) The actions provided for by Part 1 of the present article which caused a death of two or more persons, - are punishable by deprivation of freedom for a period of 5 to 10 years.

Article 215. Illegal Transportation of Explosives or Easily Inflammable Substances on Air Crafts

(1) Illegal transportation of explosives or easily inflammable substances on air crafts is punishable by fine in the amount of 500 to 1000 times the minimum monthly wage or confinement for a period of 4 to 6 months, or deprivation of freedom for up to 3 years.

(2) The same action, which caused grave consequences, is punishable by imprisonment for a period of 5 to 10 years.

Article 216. Violation of Regulations Ensuring Safe Work of Transport

(1) Violation of traffic safety regulations by a passenger or pedestrian (except persons indicated in Articles 211 and 212 of the present Code) while exploiting transport means, if this act caused a harm to a person's health, - is punishable by fine in the amount of 500 to 1000 times the minimum monthly wage or confinement for a period of 2 to 4 months, or by deprivation of freedom for up to 2 years.

(2) The same action which caused a person's death due to carelessness, - is punishable by imprisonment for up to 5 years.

(3) The actions specified by Part 1 of the present article , if they:

a) caused a death of two or more persons due to imprudence;

b) catastrophe;

c) other grave consequences, -

are punishable by deprivation of freedom for a period of 5 to 8 years.

Article 217. Violation of Safety Regulations While Constructing, Exploiting or Repairing Main Tubing

(1) Violation of safety regulations while constructing, exploiting or repairing main tubing, if this act caused a harm to a person's health or a great damage, - is punishable by limitation of freedom for up to 4 years, or by confinement for a period of 3 to 6 months, or by imprisonment for up to 2 years with deprivation of the right to hold specific positions or to be engaged in a specific activity for a period of 3 years or without it.

(2) The same action which caused a person's death due to imprudence, -

is punishable by deprivation of freedom for a period up to 5 years.

(3) The action provided for by Part 1 of the present article which caused a death of two or more persons, -

is punishable by deprivation of freedom for a period of 4 to 10 years.

Article 218. Violation of Regulations of International Flights

Violation of regulations of international flights concerning places of landing, air gates, height of flight or other violations, is punishable by a fine in the amount from 1000 to 2000 times the monthly minimum wage or by deprivation of the right to hold specific positions or to be engaged in a specific activity for up to 3 years, or by correctional labor for a period of 2 years.

Article 219. Unwarranted Stop of a Train

Unwarranted stop of a train by a stop-cock , or by means of disconnecting of an air brake main or by other means, if it caused accidents, train smash, damage of a rolling-stock or other grave consequences, - is punishable by deprivation of freedom for a period of 5 to 12 years.

SECTION IX. CRIMES AGAINST ECOLOGICAL SAFETY AND ENVIROMENT

CHAPTER 24 Crimes Against Ecological Safety and Environment

Article 220. Violation of Ecological Safety Regulations While Executing Works

Violation of environment protection regulations while projecting, constructing, putting into operation industrial, agricultural, scientific and other objects by persons who are responsible for it, if this act caused material change of radio-active background, death of one or more persons, mass diseases of people and other grave consequences, - is punishable by imprisonment for a period of 3 to 8 years with deprivation of the right to hold specific positions or to be engaged in a specific activity for a period of 5 years.

Article 221 Intentional Concealment and Misrepresentation of Information About Environmental Pollution

(1) Intentional concealing or misrepresenting information by an authorized official concerning accidents with radio-active, chemical, bacteriological or other life-threatening pollution of the environment, or with consequences which are dangerous to the life and health of people due to the negative influence of the pollution, is punishable by a fine of 500 to 800 times the monthly minimum wage or by limitation of freedom for up to 3 years, by up to 2 years' imprisonment with deprivation of the right to occupy certain positions or to be engaged in certain activities for up to 5 years or without it.

(2) The same actions causing:

- a) the death of one or more persons;
- b) mass diseases of people or other aggravated consequences, -

are punishable by up to 5 years' imprisonment with deprivation of the right to hold positions and to be engaged in certain activities for up to 5 years.

Article 222 Failure to take measures to liquidate the consequences of ecological violations

Evasion or inappropriate failure to take recovery measures in locations contaminated by environmental pollution, if it caused the death of one or more persons, mass diseases, or other aggravated consequences due to carelessness, is punishable by imprisonment for a period of 2 to 5 years with deprivation of the right to occupy certain positions or be involved in certain activities for up to 3 years.

Article 223 Violation of Safety Regulations While Dealing With Ecologically Harmful Substances and Wastes

(1) Violation of ecological safety norms during transporting, keeping, burring and using radio-active, bacteriological, chemical substances, if it caused substantial harm to people's health, or negative consequences for nature, - is punishable by limitation of freedom for up to 3 years, correctional labor for up to 2 years, or by imprisonment for the same period.

(2) The same actions:

- a) causing pollution, poisoning of the environment, harm to a person's health, mass destruction of animals;
- b) committed in areas of ecological calamity, or in areas of emergency ecological situations, -

are punishable by up to 5 years' imprisonment.

(3) The actions specified by Parts 1 or 2 of the present article causing mass diseases of people or a person's death due to carelessness, - are punishable by imprisonment for a period of 5 to 8 years.

Article 224 Violation of Safety Regulations While Dealing With Microbiological or Other Biological Agents or Toxins

(1) Violation of safety regulations while dealing with microbiological or other biological agents and toxins, if it caused harm to people's health due to carelessness, spreading of epidemics or other grave consequences, is punishable for up to 3 years' imprisonment with deprivation of the right to hold certain positions or be involved in certain activities for up to 3 years or without it.

(2) The same action which caused a person's death due to carelessness, is punishable by up to 5 years' imprisonment with deprivation of the right to hold certain positions or to be engaged in certain activities for up to 5 years or without it.

Article 225. Violation of Veterinary Regulations and Regulations Fighting With Plant Diseases and Pests

(1) Violation of veterinary regulations causing the spread of epidemic, or other aggravated consequences, is punishable by a fine in the amount of 500 to 1000 times the monthly minimum wage or by deprivation of freedom for up to 3 years.

(2) Violation of regulations fighting with plant diseases and pests, causing aggravated consequences, is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or by deprivation of freedom for up to 2 years.

Article 226. Water Pollution

(1) Pollution of surface and underground water, sources of drinking water supply, if this action caused serious harm to the animal and vegetable kingdoms, agriculture, mass destruction of fish, is punishable by limitation of freedom for up to 3 years, correctional labor for up to 2 years, or by deprivation of the right to occupy certain positions or to be engaged in certain activities for up to 3 years.

(2) The same action :

- a) causing serious harm to people's health due to carelessness;
- b) mass death of animals;
- c) committed on the territory of the state reserve, or in areas of ecological calamity, -

is punishable by up to 2 years' correctional labor, or by imprisonment for a period of 2 to 5 years.

(3) The actions stipulated by Part 1 or Part 2 of the present article causing a person's death due to carelessness, are punishable by deprivation of freedom for a period of 5 to 8 years.

Article 227. Air Pollution

(1) Pollution of the air or other harmful effects on the atmosphere that exceed permissible limits in consequence of violation of regulations when exploiting erections, plants or other objects, if these acts caused substantial harm to the environment, are punishable by a fine in the amount of 300 to 700 times the monthly minimum wage or limitation of freedom for up to 3 years, or by correctional labor for up to 2 years.

(2) The same actions causing harm to a person's health due to carelessness , are punishable by correctional labor for a period of 1 to 2 years or by imprisonment for up to of 3 years.

(3) The actions specified by Part 1 or 2 of the present article causing a person' s death, are punishable by deprivation of freedom for a period of 3 to 5 years.

Article 228. Pollution or Damage to Soil

(1) Soil pollution by chemical, radio-active substances or other harmful organisms in consequence of violating regulations when dealing with chemical weed-killers and pest-killers, fertilizers and other dangerous chemical or biological substances, causing substantial harm to the environment, is punishable by a fine in the amount of 500 to 800 times the monthly minimum wage or by up to 6 months' confinement.

(2) The same actions committed in the area of ecological calamity or emergency ecological situation which caused serious harm to people's health due to carelessness, are punishable by a fine in the amount of 700 to 1000 times the monthly minimum wage or by limitation of freedom for up to 5 years.

(3) The action specified by Part 1 of the present article causing a person's death due to carelessness, is punishable by deprivation of freedom for a period of 3 to 5 years.

Article 229. Violation of Natural Resources Protection Regulations

Violation of natural resources protection regulations while projecting, constructing, putting into operation, exploiting mining enterprises or underground erections , if these acts caused substantial harm , are punishable by a fine in the amount of 300 to 700 times of the monthly minimum wage or by deprivation of the right to hold certain positions and be involved in certain activities for up to 5 years , or by up to 2 years' correctional labor.

Article 230. Illegal Preying of Water Animals

(1) Illegal preying of fishes or other water animals , if these acts :

- a) caused serious damage;

- b) have been committed by using means of mass extermination;
- c) have been committed in spawning places;
- d) committed on the territory of a reserve, preserve, or in areas of ecological calamity, -

are punishable by a fine in the amount of 300 to 700 times the monthly minimum wage or by up to 7 years' deprivation of the right to hold certain positions or be engaged in certain activities, or by confinement for a period of 3 to 6 months.

(2) The actions specified by Part 1 of the present article committed:

- a) by a person using his official position;
- b) by a group of persons in a conspiracy;
- c) repeatedly, -

are punishable by a fine in the amount of 1000 to 2000 times the monthly minimum wage with deprivation of the right to hold certain positions and be engaged in certain activities for up to 5 years, or by imprisonment for a period of 3 years with deprivation of the right to hold certain positions or be involved in certain activities for the same period or without it.

Article 231 Violation of Protection Regulations of Fish Reserves

Construction of bridges, dikes, making explosive and other works, as well as exploiting water fence erections and pumping mechanisms with violation of protection regulations of fish reserves, if these actions caused mass death of fishes or other water animals, destruction of fodder reserves or other aggravated consequences, are punishable by a fine in the amount of 500 to 700 the monthly minimum wage or by deprivation of the right to hold certain positions or be involved in certain activities for up to 3 years, or by limitation of freedom for up to 2 years.

Article 232 Illegal Hunting

(1) Illegal hunting if these acts :

- a) caused substantial damage;
- b) have been committed using land, water or air means of transportation, explosives and other means of mass extermination of birds and animals;
- c) have been committed in relation to birds and animals, hunting of which is completely prohibited;
- d) on the territory of a reserve, preserve, or in areas of ecological calamity, -

is punishable by a fine of 500 to 1000 times the monthly minimum wage or by correctional labor for up to 2 years, or by confinement for a period of 3 to 6 months.

(2) The same acts committed :

- a) by a person using his official position;
- b) by a group of persons in a conspiracy, -

are punishable by a fine in the amount of 1000 to 2000 times the monthly minimum wage with deprivation of the right to hold certain positions or be engaged in certain activities for a period of 5 years, or by imprisonment for a period of 3 to 5 years with deprivation of the right to hold certain positions or be involved in certain activities for up to 3 years or without it.

Article 233 Destruction of Dwelling Places For Organisms Registered In the Red Book of the Republic of Tajikistan

Destruction of critical dwelling places for organisms registered in the Red Book of the Republic of Tajikistan causing the death of species of these organisms, is punishable by a fine in the amount of 500 to 700 times the monthly minimum wage or by limitation of freedom for up to 5 years.

Article 234 Illegal Cutting of Trees and Bushes

(1) Illegal cutting of trees, bushes and lianas in the forests of Group 1, or in especially protected areas of forests of all groups, as well as trees, bushes prohibited for cutting, if these acts have been committed in substantial amount, are punishable by a fine in the amount of 500 to 700 times the monthly minimum wage or by limitation of freedom for up to 2 years, or by confinement for up to 4 months.

(2) Illegal cutting of trees, bushes and lianas in forests of all groups, as well as plantations which are not included to the forest stock, if these acts have been committed:

- a) repeatedly;
- b) by a person using his official position;
- c) in large amount, -

are punishable by a fine in the amount of 700 to 1000 times the monthly minimum wage with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years or without it, by confinement for a period of 2 to 6 months with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years or without it.

Article 235. Damage or Destruction of Woods

(1) Damage or destruction of woods due to violation of regulations concerning blasting works, fire safety or other sources of high risk, is punishable by a fine in the amount of 300 to 500 the monthly minimum wage or by correctional labor for up to 2 years, or by limitation of freedom for the same period.

(2) Damage or destruction of woods by means of arson, pollution by harmful substances, wastes, is punishable by a fine in the amount of 500 to 1000 the monthly minimum wage or by up to 5 years' imprisonment.

(3) The same acts causing large damage, are punishable by a fine in the amount of 1000 to 2000 times the monthly minimum wage or by deprivation of freedom for a period of 3 to 5 years.

Article 236. Violation of the Regime of Especially Protected Natural Sites or Areas

Violation of the regime of reserves, preserves, national or natural parks, nature memorials, or other especially protected by the state natural sites or areas, causing substantial damage, is punishable by a fine in the amount of 300 to 500 the monthly minimum wage or by correctional labor for up to 2 years, or by confinement for a period of 4 to 6 months.

Note: In the present chapter substantial amount is that damage which exceeds 30 times the minimum monthly wage established by the legislation of the Republic of Tajikistan at the moment of committing a crime, large amount is that damage which exceeds 300 times the minimum monthly wage.

SECTION V. CRIMES AGAINST THE PUBLIC ORDER AND MORALS

CHAPTER 25. Crimes Against the Public Order And Morals

Article 237. Hooliganism

(1) Hooliganism, i.e. intentional actions, rudely violating the public order, accompanied by violence to citizens, as well as destroying and damaging property, is punishable by a fine in the amount of 500 to 1000 times of the monthly minimum wage or by confinement for a period of 3 to 6 months, or by up to 2 years' imprisonment.

(2) The same acts, if they :

- a) cause minor bodily injury;

b) are committed by a group of persons, a group of persons in a conspiracy, or by an organized group, or repeatedly;

c) are connected with obstructing an officer or another person doing obligations for protection of the public order;

d) neglect public moral norms, -

are punishable by deprivation of freedom for a period of 2 to 5 years.

(3) Hooliganism committed:

a) by using firearms or other objects made for inflicting wounds;

b) by a dangerous or especially dangerous recidivist, -

is punishable by deprivation of freedom for a period of 5 to 10 years.

Article 238. Involving in Prostitution

(1) Involving in prostitution by violence, blackmail, fraud, as well as by destroying and damaging property, is punishable by a fine in the amount of 500 to 1000 the monthly minimum wage or by limitation of freedom for up to 3 years, or by up to 2 years' deprivation of freedom.

(2) The same action committed repeatedly or by an organized group, is punishable by a fine in the amount of 1000 to 2000 times the monthly minimum wage or by imprisonment for a period of 2 to 5 years.

Article 239. Organization or Maintenance of Dens, Pandering

Organization of prostitution dens and pandering for mercenary motives, is punishable by a fine in the amount of 1000 to 2000 times the monthly minimum wage or by up to 5 years' deprivation of freedom.

Article 240. Illegal Organization or Maintenance of Dens for Games of Hazard

Illegal organization or maintenance of dens for games of hazard, is punishable by a fine in the amount of 1000 to 2000 times the monthly minimum wage or by deprivation of freedom for a period of 2 to 5 years with the confiscation of property.

Article 241. Illegal Producing, Spreading of Pornographic Materials or Objects

Illegal producing, spreading, pushing pornographic materials or objects, as well as illegal selling and buying of publications, movies and video, pictures or objects of a pornographic character, is punishable by a fine in the amount of 500 to 800 times the monthly minimum wage or by up to 2 years' imprisonment.

Article 242. Damaging or Destruction of Historical and Cultural Monuments

(1) Damaging or destruction of historical and cultural monuments, natural complexes or objects, which are under the state protection, as well as objects or documents, which have historical or cultural value, is punishable by a fine in the amount of 700 to 1000 times the monthly minimum wage or by limitation of freedom for up to 5 years, correctional labor for up to 2 years, or by up to 3 years' imprisonment.

(2) The same actions committed in relation to especially valuable objects or monuments, are punishable by deprivation of freedom for a period of 3 to 7 years.

Article 243. Desecration of Corpses and Places of Their Burial

(1) Desecration of corpses or damaging and destruction of graves or places of burial, is punishable by a fine in the amount of 300 to 500 the monthly minimum wage, or in the amount appropriate to the part of an offender's wage or another income for a period of 1 to 4 months, by up to 3 years' limitation of freedom, or by confinement for up to 6 months.

(2) The same actions committed:

- a) by a group of persons, or by a group of persons in a conspiracy;
- b) on the motive of national, race, religious hostility;
- c) in relation to sculptural or architectural buildings devoted to the struggle against fascism, or graves of persons who took part in the struggle against fascism;
- d) by violence, -

are punishable by deprivation of freedom for a period of 2 to 5 years.

SECTION XI. CRIMES IN THE SPHERE OF ECONOMIC ACTIVITY

CHAPTER 26. Crimes Against Property

Article 244 Stealing

(1) Stealing, i.e. a secret appropriation of somebody's property, is punishable by a fine in the amount of 1000 to 2000 times the monthly minimum wage, correctional labor for up to 2 years, or by deprivation of freedom for a period of 3 to 5 years.

(2) Stealing, committed:

- a) repeatedly;
- b) by a group of persons in a conspiracy;
- c) causing substantial damage to a citizen;
- d) by illegal penetrating into a dwelling, apartment or another premises, -

is punishable by deprivation of freedom for a period of 5 to 8 years with the confiscation of property or without it.

(3) Stealing, committed:

- a) on a large scale;
- b) by an organized group;
- c) by using conditions of a public or natural disaster;
- d) by a dangerous recidivist, -

is punishable by deprivation of freedom for a period of 8 to 12 years with the confiscation of property.

(4) Stealing, committed:

- a) by an especially dangerous recidivist;
- b) in especially large amounts,-

is punishable by deprivation of freedom for a period of 12 to 15 years with confiscation of property.

Note:

(1) In the articles of the present Code "misappropriation" is defined as an illegal uncompensated taking for an offender or other persons committed for mercenary motives.

(2) In the articles of this chapter "a large amount" is defined as cost of property which exceeds 1000 times the minimum monthly wage.

(3) In articles 244-251, 254 and 257 "repeatedly" is defined as perpetration of a crime if it was proceeded by one or more crimes specified by these articles as well as by Articles 186, 194, 199, 202 of the present Code.

(4) Criminal liability for misappropriation of the state or collective property (except for theft, robbery with extreme violence and extortion) shall be borne in cases when cost of the stolen property exceeds 10 times the minimum monthly wage. Criminal liability for stealing of private property shall be enforced irrespective of its cost.

Article 245. Appropriation or Embezzlement of Property

(1) Appropriation and embezzlement of one's property entrusted to the defendant is punishable by a fine in the amount of 500 to 1000 times the monthly minimum wage or limitation of freedom for up to 2 years, or imprisonment for the same period with deprivation of the right to hold specific positions or be engaged in a specific activity for a period of 2 years.

(2) The same actions, committed:

- a) repeatedly;
- b) by a group of persons by intentional conspiracy;
- c) causing substantial damage to a victim;
- d) using official authorities,-

are punishable by deprivation of freedom for a period of 2 to 5 years with confiscation of property or without it with deprivation of the right to hold certain positions or be engaged in certain activities for a period of 3 years.

(3) The actions specified by Parts 1 and 2 of the present article, committed:

- a) in a large amount;
- b) by an organized group,-

are punishable by imprisonment for a period of 5 to 10 years with confiscation of property or without it with deprivation of the right to hold certain positions or be engaged in certain activities for a period of 4 years.

(4) The actions provided for by Parts 1, 2 or 3 of the present article, committed:

- a) by a dangerous or especially dangerous recidivist;
- b) in especially large amount,-

are punishable by deprivation of freedom for a period of 10 to 15 years with confiscation of property and deprivation of the right to hold certain positions or be engaged in certain activities for a period of 5 years.

Article 246. Theft of Financial Means Given as a Credit

(1) Theft of financial means given as a credit is punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or limitation of freedom for up to 2 years, or imprisonment for the same period of time.

(2) The same actions, committed:

- a) repeatedly;

- b) by a group of persons in a conspiracy;
- c) in large amounts,-

are punishable by deprivation of freedom for a period of 3 to 8 years with confiscation of property or without it and with deprivation of the right to hold certain positions or be engaged in certain activities for a period of 3 years.

(3) The actions specified by Parts 1 or 2 of the present article, committed:

- a) by a dangerous or especially dangerous recidivist;
- b) in especially large amounts;
- c) by an organized group,-

are punishable by imprisonment for a period of 8 to 15 years with confiscation of property and with deprivation of the right to hold certain positions or be engaged in certain activities for a period of 5 years.

Article 247. Swindling

(1) Swindle, i.e. misappropriation of one's property or the right to the property by way of deceit or abuse of trust, is punishable by a fine in the amount of 200 to 800 times the minimum monthly wage, by limitation of freedom for up to 3 years, or by up to 2 years of imprisonment.

(2) Swindling done:

- a) repeatedly;
- b) by a group of persons in an intentional conspiracy;
- c) causing a substantial damage to a citizen;
- d) by a person using his official position, -

is punishable by deprivation of freedom for a period of 3 to 5 years with or without confiscation of property, with deprivation of the right to occupy certain positions or be engaged in a certain activity for up to 5 years or without it.

(3) Swindling committed:

- a) in a large amount;
- b) by an organized group;
- c) by a dangerous recidivist,-

is punishable by deprivation of freedom for a period of 5 to 12 years with or without confiscation of property with deprivation of the right to hold certain positions or be engaged in certain activities for a period of 5 years or without it.

(4) Swindling committed:

- a) by an especially dangerous recidivist;
- b) in especially large amounts,-

is punishable by deprivation of freedom for a period of 10 to 15 years with confiscation of property and with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years or without it.

Article 248. Robbery

(1) Robbery, i.e. an open appropriation of somebody's property , is punishable by a 5-8 year term of imprisonment with or without confiscation of property.

(2) Robbery, done:

- a) repeatedly;
- b) by a group of persons by intentional conspiracy;
- c) causing a substantial damage to a citizen;
- d) with the use of violence not endangering a citizen's life and health , or with a threat to apply this violence;
- e) illegal breaking into a dwelling, -

is punishable by deprivation of freedom for a period of 7 to 12 years with confiscation of property or without it.

(3) Robbery, committed:

- a) with the use of conditions of a public or natural disaster;
- b) in a large amount;
- c) by an organized group;
- d) by a dangerous recidivist,-

is punishable by imprisonment for a period of 12 to 15 years with confiscation of property.

(4) Robbery, committed:

- a) by an especially dangerous recidivist;
- b) in especially large amounts, -

is punishable by imprisonment for a period of 15 to 20 years with confiscation of property.

Article 249. Robbery With Violence

(1) Robbery with violence, that is raiding committed with violence endangering the life or health, or threatening to apply this violence with the purpose of appropriating somebody's property, is punishable by deprivation of freedom for a period of 5 to 10 years with confiscation of property or without it.

(2) Robbery with violence, committed:

- a) repeatedly;
- b) by a group of persons by intentional conspiracy;
- c) breaking into a dwelling,-

is punishable by imprisonment for a period of 10 to 12 years with confiscation of property or without it.

(3) Robbery with violence, committed:

- a) with the purpose of occupancy of property in large amounts;

- b) by an organized group;
- c) using conditions of a public or natural disaster;
- d) causing a grave damage to the health;
- e) by a dangerous recidivist,-

is punishable by imprisonment for a period of 12 to 15 years with confiscation of property.

(4) Robbery with violence, done:

- a) by an especially dangerous recidivist;
- b) with the purpose of acquiring property in especially large amounts;
- c) using weapons, ammunitions or explosives,-

is punishable by imprisonment for a period of 15 to 20 years with confiscation of property or death penalty.

Article 250. Extortion

(1) Extortion, that is, a demand to transfer someone else's property or the right to property, or committing other actions of a proprietary character under the threat of violence towards a victim or other persons, disclosure of information which the victim wants to keep secret, damage or destruction of property, is punishable by imprisonment for a period of 5 to 10 years with confiscation of property or without it.

(2) Extortion, committed:

- a) repeatedly;
- b) using violence;
- c) by a group of persons in an intentional conspiracy,-

is punishable by imprisonment for a period of 10 to 12 years with confiscation of property or without it.

(3) Extortion, committed:

- a) by an organized group;
- b) causing major injury to the health;
- c) by a dangerous recidivist;
- d) with the purpose of acquiring property in a large amount,-

is punishable by deprivation of freedom for a period of 12 to 15 years with confiscation of property.

(4) Extortion, committed:

- a) by an especially dangerous recidivist;
- b) with the purpose of acquiring property in especially large amount;
- c) using weapons, ammunitions or explosives,-

is punishable by imprisonment for a period of 15 to 20 years with confiscation of property.

Article 251 Appropriation of Objects Having a Special Value

(1) Appropriation of objects or documents which have a special historical, scientific, artistic or cultural value, is punishable by deprivation of freedom for a period of 5 to 8 years with or without confiscation of property.

(2) The same actions :

- a) committed repeatedly;
- b) committed by a group of persons in a conspiracy or by an organized group;
- c) causing destruction, destroying or damaging objects or documents indicated in Part 1 of the present article,-

are punishable by deprivation of freedom for a period of 8 to 12 years with confiscation of property.

Article 252 Illegal Occupancy of a Car or Other Transport Means Without the Purpose of Theft

(1) Illegal occupancy of a car or other transport means without the purpose of theft , is punishable by confinement for a period of 3 to 6 months or by imprisonment for up to 3 years.

(2) The same action, committed:

- a) repeatedly;
- b) by a group of individuals in a conspiracy;
- c) using violence not dangerous for life or health, or along with threat of using such a violence, -

is punishable by imprisonment for a period of 3 to 7 years.

(3) The actions, specified in Parts 1 or 2 of the present Article, if committed:

- a) causing damage in large amount;
- b) by an organized group;
- c) using violence dangerous for life or health, or along with threat of using such a violence, -

is punishable by imprisonment for a period of 7 to 12 years.

Article 253 Causing a Property Damage Using Fraud or Breach of Trust

(1) Causing a substantial property damage to an owner or another possessor of property using fraud or breach of trust without the signs of theft is punishable a fine of 500 to 1000 times the minimum monthly wage or up to 2 years of correctional labor, or imprisonment for the same period of time.

(2) The same action, if committed:

- a) by a group of individuals in a conspiracy;
- b) using an official position, -

is punishable by restriction of liberty for a period of 1 to 3 years or imprisonment for a period of 2 to 4 years simultaneously with deprivation of the right to hold certain position or to be involved in certain activity for up to 5 years or without it.

(3) The actions, specified in Parts 1 or 2 of the present Article, if:

- a) committed by an organized group;
- b) caused a damage in large amount, -

are punishable by confinement for a period of 2 to 6 months or imprisonment for a period of 3 to 5 years with a fine in the amount of 300 to 500 times the minimum monthly wage with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years or without it.

Article 254 Buying or Selling of Property Knowingly Criminally Taken

(1) Buying or selling of knowingly criminally taken property is punishable by a fine in the amount of up to 500 times the minimum monthly wage or up to 2 years of correctional labor, or imprisonment for the same period.

(2) The same actions, if committed:

- a) repeatedly;
- b) in large amount;
- c) by a group of individuals in a conspiracy, -

are punishable by confinement for up to 6 months or up imprisonment for a period of 2 to 5 years.

(3) The actions, specified in Parts 1 or 2 of the present Article, committed by an organized group is punishable by imprisonment for a period of 5 to 10 years simultaneously with confiscation of property or without it.

Article 255. Intentional Destroying or Damaging Property

(1) Intentional destroying or damaging others' property, which caused substantial damage is punishable by up to 2 years of correctional labor or imprisonment for a period of 2 to 5 years.

(2) The same action:

- a) committed by arson, explosive or another socially dangerous manner;
- b) caused a damage in large amounts;
- c) caused death or other grave consequences,-

is punishable by imprisonment for a period of 2 to 5 years with confiscation of property or without it.

Article 256. Negligent Destroying or Damaging of Property

Destroying or damaging of others' property:

- a) committed as a result of negligent communication with fire or another source of big danger;
- b) caused a damage in a large amount or grave consequences, -

is punishable by a fine of 500 to 1000 times the minimum monthly wage or up to 2 years of correctional labor, or imprisonment for the same period.

Article 257. Theft of Means From Foreign Aid Funds

(1) Theft of means from foreign aid funds, is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or imprisonment for up to 2 years.

(2) The same actions, committed:

- a) repeatedly;
- b) by a group of persons in a conspiracy;
- c) in large amounts;
- d) by violence not endangering for life and health or with the threat of such a violence,-

are punishable by imprisonment for a period of 2 to 7 years.

(3) The actions specified in Parts 1 and 2 of the present Article, committed:

- a) by an organized group;
- b) by a person who has been earlier sentenced for theft;
- c) by robbery with violence or extortion;
- d) in especially large amounts, -

are punishable by imprisonment for a period of 7 to 12 years with confiscation of property or without it.

CHAPTER 27. Crimes in the Sphere of Economic Activity

Article 258. Preventing Lawful Entrepreneurial Activity

(1) Unlawful refusal to register an individual entrepreneur or enterprise or commercial organization, or avoiding their registration, unlawful refusal to give a special permit (license) for conducting a certain activity, illegal restriction of rights and interests of an individual entrepreneur or legal person, as well as another illegal interference with their activity, committed by an official of state power bodies or local authority bodies using his official position is punishable by a fine of 200 to 500 times the minimum monthly wage or deprivation of the right to hold certain position or to be engaged in certain activity for up to 3 years simultaneously with a fine of up to 300 times the minimum monthly wage with a fine in the amount of up to 300 times the minimum monthly wage.

(2) The same actions, if committed:

- a) as a violation of a court decision entered into force;
- b) caused a large damage, -

are punishable by up to 2 years of correctional labor or up to 6 months of confinement, or imprisonment for a period of 2 to 5 years.

Article 259. Illegal Enterprise

(1) Conducting an entrepreneurial activity without registration or special permission (license) in cases, when such a permission (license) is essential , or with breaking the terms of licensing along with getting income in a large amount, or causing large damage to the interests of citizens, commercial or non-commercial organizations, or state is punishable by a fine of 300 to 800 times the minimum monthly wage or confinement for a period of 4 to 6 months, or up to 3 years of imprisonment.

(2) The same action:

- a) committed by an organized group;
- b) along with getting income in especially large amount;
- c) committed by an individual, who had been earlier sentenced for illegal enterprise or illegal banking; -

is punishable by a fine of up to 2000 times the minimum monthly wage or imprisonment for a period of 3 to 5 years simultaneously with a fine of up to 500 times the minimum monthly wage.

Article 260. False Enterprise

False enterprise, i.e. forming a commercial organization without intention of conducting an entrepreneurial or banking activity, which has a goal to receive a lending, release from taxes, getting another property income or covering a prohibited activity, which caused a large damage to citizens, other commercial organizations, or state is punishable by a fine of 500 to 1000 times the minimum monthly wage or up to 2 years of restriction of liberty, or imprisonment for the same period of time.

Article 261 Registration of Illegal Transactions with Land

Registration of knowingly illegal transactions with land, misrepresentation of the registration data of the state land Cadastre as well as intentional diminishing amounts of land fees, if these actions are committed with mercenary motives or another personal interest by an official using his official position are punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or deprivation of the right to hold specific positions or be engaged in specific activity for up to 3 years.

Article 262 Legalization (Laundering) of Illegally Obtained Incomes

(1) Making property transactions or other operations with money or other property obtained illegally, as well as using of such money or other property for conducting an entrepreneurial or another economic activity, or using them for other purposes, is punishable by a fine of 500 to 1000 times the minimum monthly wage or up to 4 years of imprisonment with a fine in the amount of up to 200 times the minimum monthly wage.

(2) The same action, if committed:

- a) repeatedly;
- b) by a group of individuals in a conspiracy;
- c) by a person using his official position,-

are punishable by imprisonment for a period of 4 to 8 years simultaneously with confiscation of property or without it and with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years or without it.

(3) The actions specified in Parts 1 or of the present Article, if committed:

- a) by an organized group;
- b) in a large amount,-

is punishable by imprisonment for a period of 7 to 10 years with confiscation of property or without it and with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years or without it.

Note: A person who took part in legalization of illegal incomes is released from criminal liability if he/she assisted in exposing a crime and voluntarily handed over illegally obtained incomes.

In the present article a large amount is considered to be money or cost of property obtained illegally exceeding 3000 times the minimum monthly wage.

Article 263 Illegal Bank Activity

(1) Conducting a bank activity (bank operations) without registration or special permission (license) in case when such permission is obligatory, if this action is connected with getting an income in a large amount, or it causes a large damage to the interests of citizens, commercial or non-commercial organizations, or state is punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or imprisonment for a period of 2 to 5 years.

(2) The same action, if committed:

- a) by an organized group;
- b) along with getting an income in especially large amount;
- c) by an individual, who had earlier been sentenced for illegal bank activity or illegal enterprise, -

is punishable by imprisonment for a period of 5 to 10 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years.

Note: In the present article income in a large amount or large damage is considered to be income or damage which exceeds 500 times the minimum monthly wage, and income in especially large amount is deemed income exceeding 3000 times the minimum monthly wage.

Article 264 Illegal Receiving Credit

(1) Receiving by an individual entrepreneur or leader of an organization a credit, grant or privileged conditions of crediting by providing a bank or another credit institution with knowingly false data about economic situation or financial situation of an individual entrepreneur or organization, or about other circumstances which have a material importance for receiving a credit, grants, privileged conditions of crediting,- is punishable by a fine of 700 to 1000 times the minimum monthly wage or up to 5 years of restriction of liberty, or imprisonment for the same period of time.

(2) Illegal receiving of the State Purposive Credit or credit given under the state guarantee, as well as its using not for direct purpose, if these actions caused a large damage to citizens, organizations, or state (if there are no elements of theft of others' property), - are punishable by a fine of 1500 to 2000 times the minimum monthly wage or imprisonment for a period of 2 to 5 years.

Article 265. Illegal Giving Credit

Illegal giving any credit or making for it by a person who should or could have committed these actions using his official position,- is punishable by a fine in the amount of 1500 to 2000 times the minimum monthly wage or up to 3 years' of imprisonment with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years.

Article 266. Malicious Avoidance of the Cancellation of Creditor's Indebtedness

Malicious avoidance of the cancellation of creditor's indebtedness in a large amount or payment of securities after a court decision entered into force, committed by a leader of an organization, individual entrepreneur or citizen is punishable by a fine of 500 to 1000 times the minimum monthly wage or up to 2 years of imprisonment simultaneously with deprivation of the right to hold certain position or to be involved in certain activity for up to 3 years.

Note: Creditor's indebtedness in a large amount means an indebtedness of a citizen in the amount which exceeds 2000 times the minimum monthly wage, and of an organization - in the amount which exceeds 5000 times the minimum monthly wage.

Article 267. Forcing to Making a Transaction or Refusal to Conclude It

(1) Forcing to making a transaction or refusal to conclude it by threat of violence, destroying or damaging others' property, as well as spreading information which a victim wishes to keep as a secret (if there are no elements of extortion),- is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or up to 2 years' of imprisonment.

(2) The same actions, if committed:

- a) repeatedly;
- b) using violence;
- c) by a group of persons in a conspiracy;

d) causing a damage to the victim in a large amount,-

are punishable by imprisonment for a period of 2 to 5 years.

Article 268. Illegal Using Monetary Means

(1) Intentional actions of a leader of a credit establishment or enterprise irrespective of forms of property resulting in illegal remittance from his account to the account of another organization, as well as another using monetary means as a violation of the established order committed for mercenary motives or personal interests, and using budget means for another purposes, if these actions caused a large damage to the legal interests of citizens, organization or state,- is punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or up to 2 years of restriction of freedom, or imprisonment for the same period of time.

(2) The same actions:

a) committed repeatedly;

b) caused especially large damage,-

are punishable by imprisonment for a period of 2 to 5 years.

Note: Large damage is considered to be a damage in the amount exceeding 500 times the minimum monthly wage, especially large damage is deemed a damage in the amount exceeding 2000 times the minimum monthly wage.

Article 269. Unlawful Actions While Bankruptcy

(1) Covering property or property obligations, data on property, its amounts, whereabouts or other information about property, transferring property to another possession, as well as covering, destroying, falsification of bookkeeping, or other accounting documents, which reflect economic activity, if these actions committed by a leader of organization-debtor or individual entrepreneur while bankruptcy and caused a large damage is punishable by a fine of 500 to 1000 times the minimum monthly wage or confinement for a period of 4 to 6 months.

(2) Unlawful satisfaction of property demands of some creditors by a leader of organization-debtor or individual entrepreneur who has knowledge about de-facto worthlessness (bankruptcy), knowingly as a damage to other creditors, as well as acceptance of such a satisfaction by a creditor, who knows about his being privileged by a bankrupt debtor as a damage to other creditors, if these actions caused a large damage is punishable by a fine of 800 to 1000 times the minimum monthly wage or up to 2 years of correctional labor, or up to 6 months of confinement.

Article 270. Malicious Bankruptcy

Creating or increasing of insolvency by a leader of a commercial organization, as well as by individual entrepreneur with personal interests or interests of other individuals, which caused a large damage or other serious consequences is punishable by a fine of 800 to 1500 times the minimum monthly wage or imprisonment for up to 3 years.

Article 271 Fictitious Bankruptcy

Fictitious bankruptcy, i.e. knowingly false announcement about worthlessness by a leader or owner of a commercial organization, as well as by individual entrepreneur with the goal of deceit of creditors for getting the postponement or extension of payments or debt discounts, as well as for non-payment of debts, which caused a large damage is punishable by a fine of 1000 to 2000 times the minimum monthly wage or imprisonment for up to 3 years.

Note: In articles 269, 270 and 271 of the present Code large damage is considered to be a damage in the amount exceeding 1000 times the minimum monthly wage.

Article 272 Malicious Breaking the Rules of Bookkeeping Accounting

Malicious avoidance of data documenting specified in the legislation by a person authorized for bookkeeping accounting , or putting knowingly false information about economic or financial activity of the organization into accounting documents by this person, as well as destroying financial or other accounting documents,- is punishable by a fine of 500 to 1000 times the minimum monthly wage or restriction of liberty for up to 2 years.

Article 273 Monopolistic Actions and Unfair Competition

(1) Monopolistic actions committed by setting exclusively high or low prices, as well as limitation of competition by conspiracy intended to dividing the market, limitation of access to the market, removal of other subjects of economic activity from it, setting and holding common prices is punishable by a fine of 1000 to 1500 times the minimum monthly wage or confinement of 5 to 6 months, or imprisonment for up to 2 years.

(2) The same actions, if committed:

- a) repeatedly;
- b) by a group of individuals in a conspiracy, -

are punishable by a fine of 1500 to 2000 times the minimum monthly wage or imprisonment for a period of 2 to 5 years.

(3) The actions specified in parts 1 and 2 of the present Article, committed:

- a) using violence or threat of its using;
- b) along with destroying or damaging of others' property, or with the threat of destroying or damaging of others' property, if there are no signs of extortion;
- c) using an official position;
- d) by an organized group, -

are punishable by imprisonment for a period of 3 to 7 years simultaneously with confiscation of property or without it and with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years.

Article 274 Malicious Violation of the Order for Conducting Public Bids or Auctions

Malicious violation of the order for conducting public bids or auctions, which caused a large damage to the owner of property, organizer of bids or auctions, customer,- is punishable by a fine of 700 to 1000 times the minimum monthly wage or restriction of liberty for up to 2 years, or imprisonment for the same period of time.

Article 275. Unlawful Using of Trade Mark

Unlawful using of others' trade mark, service mark, place of goods' origin, marking of goods of a competitor or similar signs for similar goods and services, if this action committed repeatedly, or caused a large damage is punishable by a fine of 1000 to 2000 times the minimum monthly wage or correctional labor for up to 2 years, or confinement for up to 6 months.

Article 276. Knowingly False Advertisement

(1) Using knowingly false information about goods, works, or services by an advertise-maker, as well as their manufacturers or sellers, committed for mercenary motives is punishable by a fine of 500 to 1000 times the minimum monthly wage or restriction of liberty for up to 2 years.

(2) The same action, if:

- a) committed using mass media;
- b) caused a large damage, -

is punishable by a fine of 1500 to 2000 times the minimum monthly wage or restriction of liberty for a period of 3 to 5 years, or imprisonment for a period of 3 to 5 years.

Note: In articles 274, 275 and 276 of the present Code large damage is considered to be a damage in the amount exceeding 1000 times the minimum monthly wage.

Article 277. Unlawful Receiving Data Composing a Commercial or Bank Secret

Gathering data composing a commercial or bank secret by theft of documents, bribery and threat in relation to the persons, who possess a commercial or bank secret, or their relatives, illegal penetration into computer networks using special technical means in order to divulge information or use it illegally,- is punishable by a fine in the amount of 300 to 500 times the minimum monthly wage or imprisonment for up to 2 years.

Article 278. Divulging a Commercial or Bank Secret

Illegal divulging or using of a commercial or bank secret without consent of its possessor by an individual, who has knowledge about this secret in connection with his professional or official activity committed for mercenary or other personal motives, and which caused a large damage to a commercial organization or individual entrepreneur is punishable by a fine of 300 to 500 times the minimum monthly wage or imprisonment for up to 3 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years.

Article 279. Commercial Bribery

(1) Illegal giving money, securities, other property to an individual, who fulfills management functions in a commercial organization, as well as illegal making for him services of property character for committing actions (omissions) in the interests of a giving person in connection with the official position of this person,- is punishable by a fine of 300 to 500 times the minimum monthly wage or deprivation of the right to hold certain positions or to be engaged in certain activities for up to 2 years, or restriction of liberty for up to 2 years, or imprisonment for the same period of time.

(2) The same actions committed repeatedly or by a group of individuals in a conspiracy, or by an organized group is punishable by a fine of 500 to 800 times the minimum monthly wage or restriction of liberty for up to 3 years, or confinement for up to 4 months, or imprisonment for up to 4 years.

(3) Illegal taking money, securities, other property by an individual, who fulfills management functions in a commercial or other organization, as well as illegal using services of property character in exchange for committing actions in the interests of a giving person in connection with the official position of this person,- is punishable by a fine of 800 to 1500 times the minimum monthly wage or deprivation of the right to hold certain positions or to be engaged in certain activities for up to 2 years, restriction of liberty for up to 3 years, or imprisonment for the same period of time.

(4) The actions, specified in Part 3 of the present Article, if they committed:

- a) repeatedly;
- b) by a group of individuals in a conspiracy or by an organized group;
- c) along with extortion, -

are punishable by a fine of 1500 to 2000 times the minimum monthly wage or deprivation of the right to hold certain positions or to be engaged in certain activities for up to 5 years, or imprisonment for up to 5 years with confiscation of property.

Note: A person, who commits actions, specified in Parts 1 and 2 of the present Article, will be released from criminal liability, if this person voluntarily informs about a bribery the body, which is entitled to institute criminal proceedings.

Article 280. Bribery of Participants and Organizers of Professional Sports Competitions and Commercial Entertaining Competitions

(1) Bribery of sportsmen, sports referees, coaches, leaders of teams, and other participants or organizers of professional sports competitions, as well as organizers and judges of commercial entertaining competitions with the purpose to influence the results of these competitions is correctional labor for a period of 6 months to 1 year or confinement for up to 4 months.

(2) The same action, committed repeatedly, or by a group of individuals in a conspiracy or by an organized group; is punishable by up to 3 years' of imprisonment with confiscation of property.

(3) Illegal receiving material values or using services of property character by sportsmen, sports referees, leaders of teams and other participants or organizers of professional sports competitions, as well as organizers and judges of

commercial entertaining competitions, made or delivered in order to influence the results of competitions is punishable by imprisonment for up to 3 years simultaneously with deprivation of the right to hold certain positions or to be engaged in certain activities for up to 5 years with confiscation of property.

Article 281 Manufacturing or Selling Counterfeit Money or Securities

(1) Manufacturing, as well as sale of counterfeit bills of the National Bank of Tajikistan, metallic coins, securities in national currency, foreign currency or securities in foreign currency is punishable by imprisonment for a period of 5 to 8 years simultaneously with confiscation of property.

(2) The same actions, if committed:

- a) by a group of individuals in a conspiracy;
- b) in large amount;
- c) repeatedly, -

are punishable by imprisonment for a period of 8 to 12 years simultaneously with confiscation of property.

(3) The actions, specified in Parts 1 or 2 of the present Article committed by an organized group, are punishable by imprisonment for a period of 12 to 15 years simultaneously with confiscation of property.

Article 282 Manufacturing or Selling Counterfeit Credit Cards and other Payment Documents

(1) Manufacturing with the goal of selling or sale of counterfeit credit cards , other payment documents or other documents, which are not currency or securities, but which certify, determine, or grant property rights or obligations is punishable by imprisonment for a period of 3 to 5 years simultaneously with confiscation of property.

(2) The same actions, if committed:

- a) by a group of individuals in a conspiracy;
- b) in large amount;
- c) by an individual, who had been earlier sentenced for manufacturing, keeping, or sale of counterfeit securities or money;
- d) by an organized group, -

are punishable by imprisonment for a period of 5 to 8 years simultaneously with confiscation of property.

Article 283 Abuse While Issuance (Emission) of Securities

(1) Issuance (emission) and public distribution of securities without registration in established order, or using knowingly counterfeit documents for registration of securities is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or correctional labor for up to 2 years.

(2) Putting knowingly not authentic information into prospectus of emission of securities, as well as approving the prospect of emission, which contains knowingly apocryphal information, or approving knowingly doubtful results of emission, if these actions caused a large damage are punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or imprisonment for up to 2 years.

Note: In articles 281, 282 and 283 of the present Code large amount is considered to be a damage in the amount exceeding 1000 times the minimum monthly wage.

Article 284 Unlawful Transactions with Jewel Metals, Natural Precious Stones or Pearls

(1) Transactions with jewel metals, natural precious stones or pearls committed as a violation of rules established by laws of the Republic of Tajikistan, as well as illegal keeping, sending or transporting jewel metals, natural precious

stones or pearls in any condition and shape, except for gold and silver wares and scrap of such wares,- is punishable by a fine of 1000 to 1500 times the minimum monthly wage or confinement for up to 6 months, or restriction of liberty for up to 3 years, imprisonment for up to 3 years.

(2) The same action, if committed:

- a) repeatedly;
- b) in large amount;
- c) by an organized group, -

is punishable by imprisonment for a period of 3 to 7 years simultaneously with confiscation of property or without it.

Note: The actions specified in the present article are considered to be committed in large amount if the cost of jewel metals, natural precious stones or pearls exceeds 1000 times the minimum monthly wage.

Article 285. Violation of the Rules of Handing Over Jewel Metals and Precious Stones to the State

Avoidance of obligatory handing over for affinity or obligatory sale to the state of jewel metals or precious stones extracted from wombs, gotten from secondary raw materials, as well as lifted and found jewel metals or precious stones, virgin minerals, committed in large amount is punishable by a fine in the amount of 300 to 500 times the minimum monthly wage or confinement for a period of 2 to 6 months, or imprisonment for up to 3 years.

Note: Violation of the rules of handing over and selling jewel metals and precious stones to the state will be considered to be committed in large amount, if the cost of subjects mentioned in the present Article, which have not been handed over or sold to the state, exceeds 1000 times the minimum monthly wage.

Article 286. Illegal Transactions with Foreign Currency

(1) Completing illegal transactions with foreign currency by buying, selling, exchanging or using it as other payment means or other illegal operations with foreign currency if the cost of articles of illegal transactions or operations exceeds 50 times the minimum monthly wage,- is punishable by a fine in the amount of 300 to 500 times the minimum monthly wage or correctional labor for a period of 6 months to 1 year.

(2) The same actions committed in large amount are punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or restriction of liberty for up to 2 years.

Note: The actions specified in the present article are considered to be committed in large amount if the cost of articles of illegal transactions exceeds 500 times the minimum monthly wage.

Article 287. Non-Returning Currency From Abroad

Non-returning currency in large amount from abroad by a leader of an organization, if this currency according to the legislation of the Republic of Tajikistan is subject to obligatory transferring to accounts of an authorized bank of the Republic of Tajikistan,- is punishable by a fine in the amount of 1500 to 2000 times the minimum monthly wage or up to 3 years of imprisonment with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years.

Note: The action, specified in the present Article, will be considered to be committed in large amount, if the sum of non-returned currency exceeds 5000 times the minimum monthly wage.

Article 288. Violating the Rules of Foreign Economic Activity

(1) Concealing the whole or a part of currency profit received as a result of currency or export operations, completing commercial currency transactions avoiding authorized banks, and other violations of laws about foreign economic activity, if these actions caused a large damage to the interests of citizens, society or state,- are punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or imprisonment for up to 2 years.

(2) The same actions, if committed:

a) repeatedly;

b) organized group;

c) in especially large amount,- are punishable by imprisonment for a period of 2 to 5 years with confiscation of property or without it and with deprivation of the right to hold certain positions or be engaged in certain activities for the period of 5 years.

Note: Large damage is deemed to be a damage which exceeds 1000 times the minimum monthly wage, but especially large amount is considered to be a sum exceeding 5000 times the minimum monthly wage.

Article 289. Smuggling

(1) Smuggling, i.e. transportation of goods or other subjects in large amount through the customs border of the Republic of Tajikistan, except for the subjects mentioned in paragraph 2 of the present Article, committed avoiding customs examination, or using documents or means of customs identification by fraud, or along with non-declaring or false declaring,- is punishable by imprisonment for a period of 5 to 8 years.

(2) Transportation of narcotics, potent, poisonous, radio-active, explosives, armament, explosive materials, firearms or ammunition of nuclear, chemical, biological and other kinds of the weapon of mass destruction, materials and equipment, which can be used for creating weapons of mass destruction through the customs border, as well as strategically important raw materials and cultural values in regard to which special rules of transportation through the customs border of the Republic of Tajikistan were determined, if this action was committed avoiding customs examination, or using documents or means of customs identification by fraud, or along with non-declaring or false declaring is punishable by imprisonment for a period of 8 to 12 years simultaneously with or without confiscation of property.

(3) The actions, specified in paragraphs 1 or 2 of the present Article, if committed:

a) repeatedly;

b) by an official using his position;

c) using violence towards a person, who implements customs examination;

d) by break of the customs border,-

are punishable by imprisonment for a period of 10 to 15 years simultaneously with or without confiscation of property and with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years or without it.

(4) The actions, specified in paragraphs 1, 2 or 3 of the present Article, committed by an organized group are punishable by imprisonment for a period of 15 to 20 years simultaneously with confiscation of property and with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years or without it.

Note: The action, specified in paragraph 1 of the present Article is considered to be committed in a large amount, if the cost of the transported goods exceeds 1000 times the minimum monthly wage.

Article 290. Failure to return Articles of Art and Articles of Historical and Archaeological Property of People of the Republic of Tajikistan and Foreign Countries to the Territory of the Republic of Tajikistan

Failure to return by a specified date exported articles of art and articles of historical and archaeological property of people of the Republic of Tajikistan and foreign countries, if such return is obligatory in accordance with laws of the Republic of Tajikistan,- is punishable by imprisonment for up to 5 years with confiscation of property or without it.

Article 291 Avoidance of the Payment of Customs Duties

(1) Avoidance of the payment of customs duties in a large amount is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or confinement for up to 4 months.

(2) The same action, if committed:

- a) repeatedly;
- b) using one's official position;
- c) by an organized group, -

is punishable by a fine of 1000 to 2000 times the minimum monthly wage or deprivation of the right to hold certain positions or to be involved in certain activities for up to 5 years, or restriction of liberty for up to 3 years, or imprisonment for the same period of time.

Note: Avoidance of the payment of customs duties will be considered to be committed in a large amount, if the cost of non-paid customs duties exceeds 500 times the minimum monthly wage.

Article 292 Avoidance of the Payment of Taxes from Organizations

(1) Avoidance of the payment of taxes or established by law other obligatory payments from organizations by including knowingly false data about incomes and expenses to the bookkeeping documents, or by concealing other objects of tax imposing, committed in large amounts is punishable by a fine in the amount of 1000 to 1500 times the minimum monthly wage, or deprivation of the right to hold certain position or to be involved in certain activity for up to 5 years, or confinement for a period of 3 to 6 months.

(2) The same action, if committed repeatedly, is punishable by up to 3 years of imprisonment simultaneously with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to 5 years.

Note: Avoidance of paying taxes or other obligatory payments from organizations will be considered to be committed in large amounts, if the sum of non-paid taxes or obligatory payment exceeds 500 times the minimum monthly wage.

Article 293 Avoidance of Paying Taxes by a Citizen

(1) Avoidance by a citizen of paying taxes by not declaring incomes in cases, when submission of the declaration is obligatory, or including knowingly misrepresented data about incomes and expenses into the declaration, which caused non-payment of taxes in a large amount is punishable by a fine in the amount of up to 700 times the minimum monthly wage, or up to 2 years of correctional labor.

(2) The same action, committed by an individual, who has been earlier sentenced for avoidance of paying taxes, or committed in especially large amounts is punishable by a fine of 700 to 1000 times the minimum monthly wage or up to 2 years of imprisonment.

Note: Avoidance of paying taxes by a citizen will be considered to be committed in large amounts, if the sum of non-paid taxes exceeds 200 times the minimum monthly wage, and in especially large amounts - 500 times the minimum monthly wage.

Article 294 Cheating Consumers

(1) Fraudulent measuring, weighting, counting, leading into temptation regarding characteristics or quality of goods (services), or other cheating of consumers in organizations selling goods or rendering services to the population, as well as by citizens registered as individual entrepreneurs in the sphere of trade (services), committed in substantial amount is punishable by a fine in the amount of up to 300 times the minimum monthly wage or up to 2 years of correctional labor.

(2) The same actions, if committed:

- a) by a group of individuals in a conspiracy;
- b) in a large amount;
- c) as well as by an individual, who has been earlier sentenced for cheating consumers, -

are punishable by up to 2 years of imprisonment simultaneously with deprivation of the right to hold certain position or to be engaged in certain activity for a period of up to 3 years.

(3) The actions, specified in paragraphs 1 and 2 of the present Article, committed:

a) by an organized group;

b) in especially large amount,- are punishable by imprisonment for a period of 2 to 5 years simultaneously with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to 5 years.

Note: Cheating consumers in substantial amount means a fraud causing a damage exceeding 1/10 the minimum monthly wage, in large amount - in the sum exceeding 1,5 times the minimum monthly wage.

Article 295. Abuse of Authorities by Clerks of Commercial or Other Organizations

(1) Using of administrative or other management authorities by employees of commercial or other organizations against interests of these organizations and with the purpose of deriving benefits or taking advantage for themselves or other individuals, if this action caused substantial damage to the rights and lawful interests of citizens, organizations, or state, is punishable by a fine of 500 to 1000 times the minimum monthly wage, or up to 2 years of correctional labor, or imprisonment for the same period of time.

(2) The same action, if caused serious consequences is punishable by a fine of 1000 to 2000 times the minimum monthly wage or confinement for a period of 4 to 6 months, or up to 3 years of imprisonment.

Note: (1) Employees of commercial or other organizations under the present Article are considered to be individuals, who permanently, temporarily, or by special authority exercise administrative or other management functions in commercial organizations irrespective of forms of property, as well as in non-commercial (non-profitable) organizations, which are not state organs of power.

(2) If the action specified in the present Article caused a damage only to a commercial organization not being a state enterprise, criminal prosecution would be exercised upon an application of this organization or with its consent. While causing a damage to the interests of other organizations, as well as interests of citizens, society, or state, criminal prosecution will be exercised under general conditions.

Article 296. Abuse of Power by Auditors, Arbitrators, Notaries, or Attorneys

(1) Using of power by an auditor, arbitrator, notary, or attorney against the goals of his activity with the purpose of deriving benefits or priorities for himself or other individuals, or damaging other individuals, if this action caused a substantial damage to the rights and lawful interests of citizens, organizations, or state is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or imprisonment for a period of 2 to 5 years simultaneously with deprivation of the right to hold certain positions or to be engaged in certain activities for up to 3 years.

(2) The same action, if committed:

a) towards a minor or incapable individual;

b) repeatedly, -

is punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or confinement for up to 6 months, or imprisonment for a period of 2 to 5 years simultaneously with deprivation of the right to hold certain positions or to be engaged in certain activities for up to 5 years.

Article 297. Exceeding Authorities by Employees of Private Guarding or Detective Services

(1) Exceeding authorities by a leader or employee of private guarding or detective services, given to him in accordance with a license, against the goals of his activity, if this action is committed using a violence or threat of its using, is punishable by up to 2 years of correctional labor, or imprisonment for a period of up to 2 years simultaneously with deprivation of the right to hold certain positions or to be engaged in certain activities for up to 3 years.

(2) The same action, if:

a) committed using a weapon or special equipment;

b) caused serious consequences, -

is punishable by restriction of liberty for a period of 3 to 5 years, or imprisonment for a period of 5 to 8 years.

SECTION XII. CRIMES AGAINST INFORMATIONAL SECURITY

CHAPTER 28. Crimes Against Informational Security

Article 298. Unlawful Access to Computer Information

(1) Unlawful access to information kept in computer system, net, or machine bearers, along with a violation of the protection system is punishable by a fine of 200 to 400 times the minimum monthly wage or up to 2 years of restriction of liberty.

(2) The same actions, if they caused changing, destroying, or blocking of information due to carelessness, as well as disabling computer equipment, or substantial damage are punishable by a fine of 300 to 500 times the minimum monthly wage or up to 2 years of correctional labor, or imprisonment for the same period of time.

(3) The actions, specified in paragraphs 1 and 2 of the present Article, which caused serious consequences due to carelessness are punishable by a fine of 400 to 700 times the minimum monthly wage or up to 3 years of imprisonment.

Article 299. Modification of Computer Information

(1) Changing information kept in computer system, net, or on machine bearers, as well as including knowingly false information to them if there are no elements of theft of others' property, or causing property damage by fraud or abuse of trust, or substantial damage,- is punishable by a fine of 300 to 500 times the minimum monthly wage, or up to 2 years of correctional labor, or imprisonment for the same period of time.

(2) The same action,:

a) committed along with unlawful access to computer system or net;

b) if caused serious consequences due to carelessness, -

are punishable by a fine of 500 to 1000 times the minimum monthly wage or up to 3 years of imprisonment.

Article 300. Computer Sabotage

(1) Destroying, blocking, or putting into unfit position of computer information or program, disabling computer equipment, as well as destroying the computer system, net, or machine bearer is punishable by a fine of 200 to 500 times the minimum monthly wage or up to 2 years of restriction of liberty, or up to 4 months of confinement.

(2) The same action:

a) committed along with unlawful access to computer system or net;

b) if caused intentionally serious consequences, -

is punishable by a fine of 500 to 1000 times the minimum monthly wage or up to 3 years of imprisonment.

Article 301. Illegal Appropriation of Computer Information

(1) Illegal copying or another unlawful appropriation of information kept in computer system, net, or on machine bearers, as well as interception of information transmitted using computer communication is punishable by a fine of 200 to 500 times the minimum monthly wage or up to 2 years of imprisonment.

(2) Compulsion to transmitting information kept in computer system, net, or on machine bearers under the threat of announcing disgraceful information about an individual or his relatives, making public data about such circumstances, which the victim wants to keep in secret, as well as under the threat of using violence to the individual or his relatives

and other persons, who are in charge of protecting this information, is punishable by up to 5 years of restriction of liberty, or up to 2 years of correctional labor, or imprisonment for a period of 2 to 4 years.

(3) The actions, specified in paragraphs 1 and 2 of the present Article:

- a) committed along with violence upon an individual or his relatives;
- b) committed by a group of individuals in a conspiracy;
- c) if caused substantial damage to the victim;
- d) committed with the goal of receiving especially valuable information, -

are punishable by imprisonment for a period of 5 to 7 years.

(4) The actions, specified in paragraphs 1, 2, or 3 of the present Article:

- a) committed repeatedly;
- b) committed by an organized group;
- c) if caused a person's death due to carelessness or other grave consequences, -

are punishable by imprisonment for a period of 7 to 10 years.

Article 302 Manufacturing or Selling Special Means for Getting Unlawful Access to Computer System or Net

Manufacturing with the goal of selling, as well as sale of special program means or apparatus means for getting unlawful access to protected computer system or net is punishable by a fine of 200 to 500 times the minimum monthly wage or up to 2 years of restriction of liberty, or confinement for a period of 2 to 6 months.

Article 303 Working Out, Using and Distributing Harmful Programs

(1) Working out computer programs or putting changes in the existing programs with the goal of illegal destroying, blocking, modification or copying information kept in computer system, net or on machine bearers, as well as working out special virus programs, knowingly using them or distributing bearers with such programs is punishable by a fine of 300 to 500 times the minimum monthly wage or up to 2 years of restriction of liberty.

(2) The same action, which caused grave consequences due to carelessness is punishable by a fine of 500 to 1000 times the minimum monthly wage or up to 3 years of imprisonment.

Article 304 Violation of the Rules of Exploitation of Computer System or Net

(1) Violation of the rules of exploitation of computer system or net by an individual, who has access to this system or net, if this caused destroying, blocking, modification of computer information, breaking computer equipment, or causing another substantial damage is punishable by a fine of up to 300 times the minimum monthly wage or up to 2 years of restriction of liberty.

(2) The same action, committed while exploiting computer system or net, which contains valuable information is punishable by a fine of 300 to 500 times the minimum monthly wage or imprisonment for the same period of time.

(3) The actions, specified in paragraphs 1 or 2 of the present Article, which caused grave consequences due to carelessness are punishable by a fine of 500 to 1000 times the minimum monthly wage or up to 3 years of imprisonment.

SECTION XIII. CRIMES AGAINST STATE POWER

CHAPTER 29. Crimes Against Basic Principles of the Constitutional System and State Security

Article 305. High Treason

High treason, i.e. espionage, betraying state secrets, or rendering another assistance to a foreign state, foreign organization or their representatives in conducting hostile activity to the detriment of the sovereignty, territorial integrity, defense or external security, committed by a citizen of the Republic of Tajikistan, is punishable by imprisonment for a period of 12 to 20 years simultaneously with confiscation of property.

Note: A person who committed a crime specified in the present article, as well as Articles 306 and 307 of the present Code, may be released from criminal liability, if he assisted in preventing a further (subsequent) damage by his voluntary and timely information to the power bodies, and if there are no elements of another crime.

Article 306. Forcible Capture of Power or Forcible Keeping Power

Actions aimed at forcible capture of power or forcible keeping power against the Constitution of the Republic of Tajikistan, as well as aimed at forcible changing the constitutional system of the Republic of Tajikistan, or forcible violation of the territorial integrity of the Republic of Tajikistan, are punishable by imprisonment for a period of 12 to 20 years simultaneously with confiscation of property or death penalty.

Article 307. Public Calls to Forcible Changing the Constitutional System of the Republic of Tajikistan

(1) Public calls to forcible capture of state power or forcible keeping it , or forcible changing the territorial integrity of the Republic of Tajikistan,- is punishable by imprisonment for a period of 3 to 8 years with or without confiscation of property.

(2) The same actions, if committed:

- a) repeatedly;
- b) by an organized group;
- c) using one's official position;
- d) using mass media;
- e) by an especially dangerous recidivist, -

are punishable by imprisonment for a period of 8 to 12 years with up to 3 years of deprivation of the right to hold certain positions or to be engaged in certain activities or without it.

(3) The actions, specified in paragraphs 1 or 2 of the present Article committed on the instructions of hostilely incited organizations and representatives of foreign states are punishable by imprisonment for a period of 10 to 15 years simultaneously with confiscation of property or with deprivation of the right to hold certain positions or be engaged in certain activities for a period of 3 to 5 years.

Article 308. Espionage

Transmitting, as well as gathering, stealing, or keeping information which contains state secrets with the purpose of transmitting it to a foreign state, foreign organization, or their representatives , as well as transmitting or gathering another information under the instruction of foreign intelligence services for using it to the detriment of the sovereignty, territorial integrity, defense or external security of the Republic of Tajikistan, if these actions were committed by a foreign citizen or stateless person are punishable by imprisonment for a period of 12 to 20 years with confiscation of property.

Article 309. Sabotage

(1) Explosions, arsons or other actions aimed at destroying or damaging enterprises, erections, communication lines, communication means with the goal of undermining the security and defense of the Republic of Tajikistan are punishable by imprisonment for a period of 12 to 15 years simultaneously with confiscation of property.

(2) The same actions, if committed:

- a) repeatedly;
- b) by an organized group, -

are punishable by imprisonment for a period of 12 to 20 years simultaneously with confiscation of property or without it.

Article 310. Trespass to the Life of a Statesman or Public Figure of the Republic of Tajikistan

Trespass to the life of a statesman or public figure of the Republic of Tajikistan in order to weaken basic principles of the constitutional system and security of the state, as well as in order to discontinue state activity or another political activity, or committed as revenge for this activity (terrorist act) is punishable by imprisonment for a period of 12 to 20 years or death penalty.

Article 311 Divulging State Secret

(1) Divulging information, which composes state secret by an individual, to whom it was entrusted or became known due to his official work, if this information became known to other persons while absence of the elements of high treason, is punishable by up to 3 years of restriction of liberty, or confinement for a period of 4 to 6 months, or up to 3 years of imprisonment simultaneously with up to 3 years of deprivation of the right to hold certain positions or to be engaged in certain activities.

(2) The same action, if it caused grave consequences is punishable by imprisonment for a period of 5 to 10 years simultaneously with up to 5 years of deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 312 Loss of Documents Containing State Secret

Violation of the determined rules of dealing with documents, which contain state secret by an individual, who has an access to state secret, as well as with articles, information about which composes a state secret, if it caused their loss due to negligence and grievous consequences is punishable by confinement for a period of 4 to 6 months, up to 2 years of imprisonment with up to 3 years of deprivation of the right to hold certain positions or to be engaged in certain activities or without it.

Article 313 Armed Rebellion

Organization of an armed rebellion or active participation in it with the purpose of dethroning or forcible changing the constitutional system of the Republic of Tajikistan is punishable by imprisonment for a period of 12 to 20 years simultaneously with confiscation of property.

CHAPTER 30. Crimes Against State Power, Interests of Public Service

Article 314 Abuse of Official Authorities

(1) Using by an official his authorities against interests of service, if this action was committed with mercenary or another personal interest, and caused a violation of the rights and lawful interests of citizens or organizations, or interests of the society or state protected by law is punishable by a fine of 200 to 500 times the minimum monthly wage or up to 5 years of deprivation of the right to hold certain positions or to be engaged in certain activities, or confinement for a period of 4 to 6 months, or up to 4 years of imprisonment.

(2) The same action committed by an individual, who occupies a state position of the Republic of Tajikistan,- is punishable by a fine of 500 to 1000 times the minimum monthly wage or up to 7 years of imprisonment, or up to 3 years of deprivation of the right to hold certain positions or to be engaged in certain activities.

(3) The actions, specified in paragraphs 1 or 2 of the present Article, if they caused grave consequences, are punishable by up to 10 years of imprisonment with up to 3 years of deprivation of the right to hold certain position or to be engaged in certain activity.

Note: (1) Officials under articles of the present Chapter mean individuals, who permanently, temporarily, or under special authority exercise functions of representatives of power, or exercise organizational-distributive, administrative-

economic functions in state bodies, bodies of local self-administration, state and municipal institutions, as well as in armed forces of the Republic of Tajikistan, other troops and military units.

(2) Individuals, who occupy state positions of the Republic of Tajikistan in the articles of the present Chapter mean individuals, who occupy positions determined by the Constitution of the Republic of Tajikistan and other laws of the Republic of Tajikistan for direct execution of the authorities of state organs.

(3) Civil servants and employees of local self-administration bodies, who are not related to officials, bear criminal responsibility according to articles of the present Chapter in cases specially provided for by the appropriate articles.

Article 315. Nonfeasance in Office

(1) Non-fulfillment of official duties by a civil servant committed with mercenary or other personal interests, if this caused grievous consequences connected with violation of rights and lawful interests of citizens, organizations, society, and state is punishable by a fine of up to 300 times the minimum monthly wage or up to 2 years of correctional labor, or up to 2 years of imprisonment simultaneously with up to 3 years of deprivation of the right to hold certain positions or to be engaged in certain activities.

(2) The same action committed by a civil servant, who occupies a responsible state position, is punishable by imprisonment for a period of 2 to 5 years with or without confiscation of property.

Article 316. Excess of Official Powers

(1) Committing actions by an official, which are obviously excess of his powers, and caused a substantial violation of the rights and lawful interests of citizens or organizations, or interests of the society or state protected by law, is punishable by a fine of 500 to 1000 times the minimum monthly wage or up to 5 years of deprivation of the right to hold certain positions or to be engaged in certain activities, or confinement for a period of 4 to 6 months, or up to 4 years of imprisonment.

(2) The same action committed by an individual, who occupies a state position of the Republic of Tajikistan, or by a head of local self-administration bodies, - is punishable by a fine of 1000 to 2000 times the minimum monthly wage or up to 7 years of imprisonment simultaneously with deprivation of the right to hold certain positions or to be engaged in certain activities for up to 3 years.

(3) The same actions specified in paragraphs 1 or 2 of the present Article, if committed:

- a) using violence or threat of its using;
- b) using weapons or special means;
- c) causing grave consequences, -

are punishable by imprisonment for a period of 3 to 10 years simultaneously with deprivation of the right to hold certain positions or to be engaged in certain activities for up to 3 years.

Article 317. Usurpation of an Official's Authorities

Usurpation of an official's authorities by a civil servant or employee of the local self-administration body, who is not an official, and committing actions by him, which caused a substantial violation of rights and lawful interests of citizens and organizations, is punishable by a fine in the amount of up to 500 times the minimum monthly wage, or up to 2 years of correctional labor, or up to 3 months of confinement.

Article 318. Illegal Participation in Entrepreneurial Activity

Establishing an organization for conducting entrepreneurial activity by an official, or participation in management of such an organization personally or through a confidant notwithstanding the prohibition determined by law, if these actions are connected with providing such an organization with privileges and advantages or protecting in another form, are punishable by up to 5 years of deprivation of the right to hold certain positions or to be engaged in certain activities simultaneously with a fine in the amount of up to 500 times the minimum monthly wage or confinement for a period of 3 to 6 months, or up to 2 years of imprisonment.

Article 319. Taking a Bribe

(1) Taking a bribe (money, securities, other property or proprietary advantages) by an official personally or through his mediator in exchange for actions (omission) in favor of a person who offers a bribe, if such actions are within the authorities of the official, or he can take such actions (omission) due to his official position, as well as in exchange for general patronage are punishable by up to 5 years of imprisonment simultaneously with up to 3 years of deprivation of the right to hold certain positions or to be engaged in certain activities or without it.

(2) Taking a bribe by an official in exchange for illegal actions (omission) is punishable by imprisonment for a period of up to 5 years simultaneously with up to 3 years of deprivation of the right to hold certain positions or to be engaged in certain activities or without it.

(3) The actions, specified in paragraphs 1 or 2 of the present Article, committed by an individual who occupies an official position of the Republic of Tajikistan, or by a head of local self-administration are punishable by imprisonment for a period of 5 to 10 years simultaneously with up to 5 years of deprivation of the right to hold certain positions or to be engaged in certain activities or without it.

(4) The actions, specified in paragraphs 1, 2, or 3 of the present Article, if they committed:

- a) repeatedly;
- b) by a group of individuals in a conspiracy, or by an organized group;
- c) along with extortion of a bribe;
- d) in a large amount, -

are punishable by imprisonment for a period of 7 to 12 years simultaneously with confiscation of property, with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years .

Note: In articles 319, 324 and 325 large amount of a bribe means a sum of money, cost of securities, other property or proprietary advantages, which exceed 1000 times the minimum monthly wage.

Article 320. Bribery

(1) Giving a bribe to an official personally or through a mediator is punishable by imprisonment for a period of 5 to 10 years with confiscation of property.

(2) Giving a bribe to an official in exchange for committing knowingly illegal actions (omission) by him, or repeatedly is punishable by imprisonment for a period of 10 to 15 years with confiscation of property.

Note: A person who gave a bribe would be released from criminal liability, if there was an extortion of a bribe by an official, and if the person voluntarily informed the organ which is entitled to institute criminal proceedings.

Article 321. Provocation of Bribery

An attempt to give money, securities, other property to an official, or an attempt to render services of proprietary character with the goal of creating artificial evidences of taking a bribe is punishable by imprisonment for a period of 5 to 10 years with confiscation of property.

Article 322. Negligence

(1) Negligence, i.e. non-fulfillment or undue fulfillment of obligations by an official as a result of unscrupulous or careless attitude to the service, if it caused a substantial violation of the rights and lawful interests of citizens or organizations, or interests of the society and state protected by law, is punishable by a fine in the amount of up to 200 times the minimum monthly wage, or correctional labor for a period of 6 months to 1 year, or up to 3 months of confinement.

(2) The same action, if it caused a person's death due to carelessness or other grave consequences is punishable by up to 5 years of imprisonment.

Article 323 Official Forgery

Official forgery, i.e. including knowingly false information to the official documents by an official, civil servant or employee of the local self-administration body who is not an official, as well as including corrections to the mentioned documents, which misrepresent their real meaning, if these actions were committed with mercenary or another personal interests are punishable by a fine in the amount of up to 500 times the minimum monthly wage, or correctional labor for a period of 1 to 2 years, or confinement for a period of 3 to 6 months, or up to 2 years of imprisonment with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years or without it.

Article 324 Getting Reward by Extortion

(1) Getting reward by extortion, i.e. demand of an employee who is not an official of the state body on material reward or proprietary advantage for execution of a particular work or rendering services which are obligations of the employee, as well as intentional creating such conditions when a citizen is forced to provide the employee with this reward in order to prevent offenses and violations of the interests protected by law,- is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or imprisonment for up to 2 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years or without it.

(2) The same action, if committed:

- a) repeatedly;
- b) in large amount,-

is punishable by imprisonment for a period of 2 to 5 years with confiscation of property or without it and with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years.

Article 325. Bribery of an Employee

(1) Bribery of an employee, i.e. knowingly illegal giving material reward or proprietary advantage to the employee of an enterprise who is not an official of the state body for committing unlawful actions in the interests of a person who gives a bribe,- is punishable by a fine in the amount of 500 to 800 times the minimum monthly wage or correctional labor for up to 2 years.

(2) The same action, if committed:

- a) repeatedly;
- b) in large amount;
- c) in the interests of an organized group,-

is punishable by imprisonment for up to 3 years.

Article 326. Illegal Giving Permits for Carrying and Keeping Firearms

Illegal giving permits for carrying and keeping firearms is punishable by imprisonment for a period of 2 to 5 years.

Article 327. Illegal Keeping Personal Guarding (Bodyguards) and Using Armaments for These Purposes

Illegal keeping personal guarding (bodyguards), as well as using armaments for these purposes is punishable by imprisonment for a period of 2 to 5 years.

CHAPTER 31 Crimes Against Order of Administration

Article 328. Use of Violence Towards an Official

(1) Violence which is not dangerous for the life or health, or threat of using violence, as well as threat of destroying property in regard to an official or his relatives in connection with the execution of his obligations is punishable by a fine

in the amount of 100 to 500 times the minimum monthly wage, or up to 2 years of correctional labor, or imprisonment for a period of up to 2 years.

(2) Use of violence endangering the life or health of the individuals mentioned in paragraph 1 of the present Article is punishable by restriction of liberty for a period of 2 to 5 years, or imprisonment for a period of 2 to 5 years.

Note: An official under this article and other articles of the present Code means an individual who serves (works) in bodies of state power or local self-administration bodies, and who is legally empowered with administrative authorities in regard to persons not being under his subordination.

Article 329. Trespass to the Life of a Representative of Law Enforcement Bodies

Trespass to the life of a representative of law enforcement bodies, serviceman, as well as their relatives in order to impede lawful activity of the mentioned persons on protection of public order and public security or revenge for such activity,- is punishable by imprisonment for a period of 12 to 20 years.

Article 330. Insulting an Official

(1) Public insult of an official while exercising his obligations, or in connection with its fulfillment is punishable by a fine of 500 to 1000 times the minimum monthly wage or correctional labor for a period of 2 months to 1 year, or confinement for a period of up to 6 months.

(2) Insults used in the public speech, publicly demonstrated work, or in mass media are punishable by a fine of in the amount of 1000 to 2000 times the minimum monthly wage or confinement for a period of 2 to 6 months, or up to 2 years of imprisonment.

Article 331 Impeding Activity of Institutions Executing Sentences and Institutions for Detention Pending Trial

(1) Threat of violence towards an employee of the institution executing a sentence in the form of imprisonment or confinement, or towards an employee of the institution for detention pending trial in order to impede activity of these institutions is punishable by confinement for a period of 1 to 3 months or up to 2 years of imprisonment.

(2) Use of violence with the same purposes, which is not dangerous for life or health, towards individuals mentioned in paragraph 1 of the present article,- is punishable by confinement for a period of 3 to 6 months or imprisonment for a period of up to 3 years.

(3) The actions, specified in paragraphs 1 or 2 of the present article, committed:

- a) with violence endangering the life or health of the individuals mentioned in the present article;
- b) by an organized group;
- c) by an especially dangerous recidivist, -

are punishable by imprisonment for a period of 2 to 5 years.

Article 322 Actions Disorganizing Work of Places of Detention

(1) Actions committed by an individual serving a sentence in places of detention expressed:

- a) in terrorizing sentenced persons;
- b) in assaulting representatives of the management of places of detention;
- c) in forming groups for these purposes or active participation in its activity,- are punishable by imprisonment for a period of 2 to 5 years.

(2) The same actions committed by a person sentenced for a felony or especially grievous crime,- are punishable by imprisonment for a period of 5 to 8 years.

Article 333 Illegal Use of Red Cross or Red Crescent Emblems and Signs

Illegal use of Red Cross and Red Crescent emblems and signs is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage, or correctional labor for a period of up to 2 years or by up to 2 years' imprisonment.

Article 334 Usurpation of Power

(1) Usurpation of power, i.e. any action done arbitrarily against the order established by law or another normative legal act, if the action causes a substantial damage to the state or public interests, or to the rights and lawful interests of citizens guaranteed under the law, is punishable by a fine in the amount of up to 200 times the minimum monthly wage, or correctional labor for a period of 1 to 2 years, or by up to 6 months' confinement.

(2) The same action committed with violence or under the threat of violence, is punishable by limitation of freedom for up to 3 years or confinement for a period of 4 to 6 months or deprivation of freedom for a period of 2 to 5 years.

Article 335. Illegal Crossing of State Boundaries

(1) Illegal (without certain documents and necessary permission) crossing of the state boundary of the Republic of Tajikistan , is punishable by imprisonment for a period of 2 to 5 years.

(2) Illegal crossing of the state boundary of the Republic of Tajikistan by an organized group or by a group of individuals in a conspiracy with violence or threat of violence,- is punishable by imprisonment for a period of 5 to 10 years.

Note: The present article is not applied to foreign citizens or persons without citizenship in case of their arrival in Tajikistan without a document or permission with a view to use the right of refugee in accordance with the Constitution of the Republic of Tajikistan and get status of refugee.

Article 336. Violating the Regime of the State Boundary

Violation of the regime of the State boundary, frontier regime and regime in checking points through the state boundary committed repeatedly within a year after imposing an administrative penalty for the same violations,- is punishable by a fine in the amount of 300 to 800 times the minimum monthly wage or confinement for a period of 3 to 6 months, or imprisonment for up to 2 years.

Article 337. Theft of State Awards

Theft of state awards is punishable by limitation of freedom for a period of 1 to 3 years or by imprisonment for up to 2 years.

Article 338. Willful Occupancy of a Plot of Land

Willful occupancy of a plot of land committed during a year after imposing an administrative punishment for the same violation, or if such action caused large damage,- is punishable by a fine in the amount of 300 to 700 times the minimum monthly wage, or up to 2 years of correctional labor, or confinement for a period of 4 to 6 months.

Article 339. Damage or Theft of Documents, Stamps and Seals

(1) Theft of a citizen's passport or another important personal document, is punishable by a fine in the amount of up to 200 times the minimum monthly wage, or correctional labor for up to 1 year, or confinement for up to 3 months.

(2) Theft, destruction, damage or concealment of official documents, stamps or seals committed for mercenary or other personal motives , is punishable by a fine in the amount of 200 to 500 times the monthly minimum wage, or correctional labor for up to 2 years, or by up to 1 year of imprisonment.

Article 340. Forgery, Making or Sale of Faked Documents, State Awards, Stamps, Seals and Blank Forms

(1) Forgery of an official document, which grants a right or releases someone from responsibilities, committed with an intent to use it by the forger himself or any other person or sale of such a document as well as counterfeiting of stamps, seals, blank forms, state awards of the Republic Tajikistan , Taj. SSR, USSR, committed with the same intent, is

punishable by limitation of freedom for up to 3 years, or confinement for a period of 2 to 4 months, or deprivation of freedom for up to 2 years.

(2) The same actions, committed:

a) repeatedly;

b) by a group of persons in an intentional conspiracy

c) using a computer, are punishable by correctional labor for up to 2 years or imprisonment for a period of 2 to 5 years with confiscation of property.

Article 341 Buying or Selling of Official Documents and State Awards

Illegal buying or selling of official documents, which grant a right or release someone from responsibilities, as well as state awards of the Republic Tajikistan, Taj. SSR, USSR, and blanks of such documents, is punishable by a fine in the amount of up to 500 times the monthly minimum wage, or confinement for up to 4 months.

Article 342 Defacing the State Emblem and Flag

Defacing the state emblem of the Republic Tajikistan and the state flag of the Republic Tajikistan , as well as symbols of other states,- is punishable by limitation of freedom for up to 2 years, or confinement for a period of 3 to 6 months, or up to 1 year of imprisonment.

Article 343 Evasion of the Draft for Active Military Service and Alternative Service

(1) Evasion of the regular draft for active military service, as well as evasion of military training courses by a man liable for call-up without any lawful grounds for release from this service,- is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or imprisonment for up to 2 years.

(2) Evasion of alternative service by persons released from military service,- is punishable by a fine in the amount of 300 to 800 times the minimum monthly wage or confinement for up to 6 months.

(3) Avoidance of the draft for military service for a fixed period or alternative service, if committed:

a) through self-inflicted injury;

b) by forgery of documents or any other fraud,-

is punishable by imprisonment for a period of 2 to 5 years.

Note: A draftee will be released from criminal liability if he registers at the recruiting station before bringing the case to court.

Article 344 Evasion of the Draft for Mobilization

Evasion of the draft for mobilization to the armed forces of the Republic of Tajikistan,- is punishable by deprivation of freedom for a period of 2 to 5 years.

Version: to exclude Article 348

CHAPTER 32 Crimes Against Justice

Article 345. Impeding Exercise Justice, Inquiry and Preliminary Investigation

(1) Interference in activity of the Court in order to impede the process of exercising justice , is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage, or correctional labor for up to 2 years or confinement for a period of 3 to 6 months, or imprisonment for up to 2 years.

(2) Unlawful pressure on an investigator or prosecutor in order to obstruct the process of detailed, complete and impartial investigation,- is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage, or correctional labor for up to 2 years, or up to 6 months of confinement, or deprivation of freedom for up to 2 years.

(3) The actions specified by Paragraphs 1 and 2 of the present article committed by a person using his official position,- are punishable by imprisonment for a period of 2 to 5 years with or without deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

Article 346. Knowingly False Information

(1) Knowingly false information about a crime is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or confinement for a period of 3 to 6 months.

(2) The same action:

- a) connected with felony charges;
- b) manufacturing artificial evidence to prove the charge;
- c) for mercenary motives;
- d) in the interests of an organized group, -

is punishable by correctional labor for up to 2 years or deprivation of freedom for up to 5 years with or without confiscation of property.

(3) The actions specified by paragraphs 1 or 2 of the present article:

- a) committed in relation to an investigator, judge or prosecutor;
- b) causing grave consequences , -

are punishable by deprivation of freedom for a period of 5 to 7 years with confiscation of property.

Article 347. Failure to Report a Crime or Concealing a Crime

(1) Failure to report about the preparation or commission of a felony or especially grievous crime as well as failure to report about a criminal and the place of his being,- is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or deprivation of freedom for up to 2 years.

(2) Concealment of a felony or especially grievous crime is punishable by deprivation of freedom for up to 5 years.

Note: A spouse or close relatives of the defendant shall not be criminally liable for failure to report a crime or concealment.

A priest is also released from criminal liability for failure to report a crime which became known to him during confession.

Article 348. Institution of Criminal Proceedings Against Knowingly Innocent Parties

(1) Institution of criminal proceedings by an inquirer, investigator or prosecutor against a person who is knowingly innocent is punishable by deprivation of freedom for up to 2 years.

(2) The same action :

- a) connected with charge of committing a felony or especially grievous crime;
- b) supplemented with manufacturing artificial evidence to prove the charge;

c) causing grave consequences, -

is punishable by imprisonment for a period of 3 to 5 years with deprivation of the right to hold certain positions or be involved in certain activities for up to 5 years.

Article 349. Rendering a Sentence, Decision or Other Judicial Acts Known To Be Illegal

(1) Rendering a sentence, decision or any other judicial act known to be illegal by a judge,- is punishable by a fine in the amount of 1000 to 1500 times the minimum monthly wage or imprisonment for up to 2 years.

(2) The same action:

- a) connected with sentencing to imprisonment;
- b) supplemented with manufacturing artificial evidence;
- c) causing other grave consequences,-

is punishable by imprisonment for a period of 3 to 5 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years.

Article 350. Hindering the Appearance of Witnesses or Victims in Court and Preliminary Investigation Agencies

Hindering the appearance of witnesses or victims in court and preliminary investigation agencies,- is punishable by a fine in the amount of up to 200 times the monthly minimum wage or deprivation of freedom for up to 2 years.

Article 351 False Testimony

(1) Knowingly false testimony given by a witness, victim or expert as well as erroneous interpretation by an interpreter in Court or during preliminary investigation ,- is punishable by limitation of freedom for a period of 1 to 3 years or imprisonment for up to 2 years.

(2) The same actions:

- a) connected with charge of committing a felony or especially grievous crime;
- b) supplemented with manufacturing artificial evidence to prove the charge;
- c) committed for mercenary motives;
- d) committed in the interests of an organized group, -

are punishable by deprivation of freedom for a period of 2 to 5 years with or without confiscation of property.

Note: A witness, victim, expert or interpreter shall be released from criminal liability if they voluntarily announced before passing a sentence that they had given false testimony, conclusion or erroneous translation in the course of inquiry, preliminary investigation or court proceedings.

Article 352 Refusal to Appear in Court, Give Testimony, Reports and Make Translation

(1) Refusal to appear in preliminary investigation agencies or court by a witness or victim, or refusal to give testimony, is punishable by a fine in the amount of 500 times the minimum monthly wage.

(2) Refusal to appear in the same agencies by an expert, interpreter or attesting witnesses, or refusal to discharge obligations,- is punishable by a fine in the amount of up to 500 times the minimum monthly wage.

Article 353 Bribery or Forcing Witnesses, Victims, Experts or Interpreters to Give False Testimony, Opinion or Erroneous Interpretation

(1) Offering a bribe to a witness, victim, expert or interpreter in order to make them give false testimony, opinion, erroneous interpretation, is punishable by a fine in the amount of up to 500 times the monthly minimum wage or confinement for up to 6 months.

(2) Forcing a witness, victim, expert or interpreter to give false testimony, opinion, erroneous interpretation as well as forcing these persons to avoid giving testimony, connected:

- a) with blackmail;
- b) with threat of murder;
- c) harm to health;
- d) destroying property of these people or their relatives,-

is punishable by limitation of freedom for a period of 1 to 3 years or imprisonment for up to 3 years.

(3) The action specified by paragraph 2 of the present article committed with violence not endangering the life or health of these people, is punishable by correctional labor for up to 2 years or deprivation of freedom for up to 5 years.

(4) The actions stipulated by paragraphs 1 or 2 of the present article, committed:

- a) by an organized group;
- b) with violence endangering the life and health of the people indicated in the article, -

are punishable by deprivation of freedom for a period of 5 to 10 years.

Article 354 Enforcing the Duty to Testify by a Person Conducting Preliminary Investigation or Implementing Justice

(1) Forcing a suspect, accused, victim, witness, expert to give testimony and opinion by means of threats, blackmail or other unlawful acts by a person who conducts preliminary investigation or implements justice, is punishable by limitation of freedom for a period of 1 to 2 years, correctional labor for up to 2 years or by up to 3 years of imprisonment.

(2) The same actions:

- a) supplemented with insulting, torture or any other violence;
- b) causing grave consequences, -

are punishable by imprisonment for a period of 3 to 10 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years or without it.

Article 355. Disrespect Towards a Court

(1) Disrespect towards a court resulting in insulting participants of a trial is punishable by a fine in the amount of up to 500 times the minimum monthly wage or confinement for a period of up to 6 months.

(2) Insulting a judge, people's assessor or another person participating in administering justice,- is punishable by correctional labor for up to 2 years or imprisonment for the same period.

Article 356. Threat or Forcible Actions In Regard to a Judge, Assessor, Prosecutor, Investigator, Bailiff, Advocate, Expert, Interpreter, Employee of Tax Bodies

(1) Threat of murder, violence, damaging or destroying property applied in relation to a judge, people's assessor, prosecutor, investigator, bailiff, advocate, expert, interpreter, employee of tax bodies or their relatives in connection with conducting preliminary investigation, examination of a case or execution of a sentence, court decision,-is punishable by correctional labor for up to 2 years or deprivation of freedom for up to 3 years.

(2) Using violence not endangering the life or health of the people pointed in paragraph 1 of the present article in connection with conducting preliminary investigation, examination of a case, or execution of a sentence, court judgment or any other judicial act, is punishable by deprivation of freedom for a period of 2 to 5 years.

(3) The actions specified in paragraphs 1 or 2 of the present article, committed with violence endangering for the life and health,- are punishable by imprisonment for a period of 5 to 8 years.

Article 357. Trespass to the Life of a Person Administering Justice or Conducting Preliminary Investigation

Trespass to the life of a judge, assessor or other persons who participate in administering justice, as well as prosecutor, investigator, attorney, expert, bailiff and their close relatives, connected with examination of cases, preliminary investigation, execution of a sentence, judgment or other judicial acts with the purpose of hindering lawful activity of these persons,- is punishable by imprisonment for a period of 10 to 20 years.

Article 358. Unlawful Detention or Taking Into Custody

(1) Detention known to be unlawful,- is punishable by limitation of freedom for up to 3 years, confinement for a period of 3 to 6 months, or by up to 2 years of imprisonment with or without deprivation of the right to hold certain positions or be engaged in certain activities for up to 2 years.

(2) Knowingly illegal taking into custody is punishable by up to 3 years of imprisonment simultaneously with deprivation of the right to hold certain position or to be engaged in certain activity for a period of up to 3 years.

(3) The actions specified by paragraphs 1 or 2 of the present article, causing grave consequences, are punishable by imprisonment for a period of 3 to 7 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

Article 359. Falsification of Evidence

(1) Falsification of evidence when considering a civil case by a person participating in this case or his representative, is punishable by correctional labor for a period of 1 to 2 years or confinement for a period of 2 to 6 months.

(2) Falsification of evidence when considering a criminal case by a person conducting preliminary investigation, investigator, prosecutor or counsel for the defense, is punishable by up to 3 years' imprisonment with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

(3) Falsification of evidence when considering a criminal case by persons mentioned in paragraph 2 of the present article:

- a) about a felony or especially grievous crime;
- b) causing grave consequences through carelessness, -

is punishable by imprisonment for a period of 5 to 8 years with deprivation of the right to hold certain positions or be involved in certain activities for up to 5 years.

Article 360. Illegal Release From Criminal Liability

Illegal release of the suspect or accused from criminal liability by a prosecutor or a person instituting preliminary investigation, is punishable by imprisonment for up to 5 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

Article 361 Divulging Facts of Inquiry or Preliminary Investigation

Divulging facts of inquiry or preliminary investigation by a person who was notified in advance about inadmissibility to divulge them without permission of the inquirer, investigator or prosecutor ,- is punishable by a fine in the amount of up to 500 times the minimum monthly wage or correctional labor for up to 2 years, or by up to 2 years of imprisonment.

Article 362 Unlawful Actions in Relation to Property Subject to Inventory, Attachment or Confiscation

(1) Embezzlement, alienation or concealment of property under execution committed by a person, whom the property was entrusted to, as well as implementing bank operations with money (deposits) subject to attachment by an employee of a credit organization,- is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or confinement for a period of 3 to 6 months, or imprisonment for up to 2 years.

(2) Concealment or misappropriation of property subject to confiscation according to the judgment of the court, as well as avoidance of the execution of the judgment about imposition of confiscation of property which came into legal force,- is punishable by a fine in the amount of 1000 to 2000 times the minimum monthly wage or imprisonment for up to 3 years.

Article 363 Non-Execution of Sentences, Judgments, Resolutions of the Court or Other Judicial Acts

Malicious non-execution of valid sentences, judgments and resolutions of the Court or other judicial acts by an official, state employee of local government bodies, as well as by an employee of state or municipal establishments, commercial or other organizations, is punishable by a fine in the amount of 200 to 500 times the minimum monthly wage or confinement for a period of 3 to 6 months, or deprivation of freedom for up to 2 years.

Article 364 Evasion From Serving of a Sentence in the Form of Imprisonment

Evasion from serving a sentence by a person convicted to imprisonment, who is permitted to leave places of detention for a short term or granted a reprieve from the sentence, after expiration of the term of departure or reprieve,- is punishable by imprisonment for up to 2 years.

Article 365. Escape From Prison or Custody

(1) Escaping from prison or custody committed by an offender serving a sentence or under detention pending trial is punishable by deprivation of freedom for a period of 2 to 5 years.

(2) The same action, committed:

- a) by conspiracy of a group of persons ;
- b) with violence endangering the life or health of other persons, or with threat of such violence;
- c) with use of weapons or objects used as weapons, -

is punishable by deprivation of freedom for a period of 5 to 12 years.

Note: A person who voluntarily comes back to places of detention or into custody within 3 days, may be released from criminal liability for escape by the Court.

SECTION XIV. CRIMES AGAINST MILITARY SERVICE

CHARTER 33 Crimes Against Military Service

Article 366. Concept of Crimes Against Military Service

(1) Crimes against military service are considered to be crimes stipulated by this chapter against the established order of military service committed by persons serving in the armed forces of the Republic of Tajikistan, other military units of the Republic of Tajikistan, citizens being in the reserve as well as persons who have status of serviceman in accordance with the acting legislation.

(2) Persons not mentioned in the present article shall bear responsibility for complicity in military crimes as organizers, accomplices and abettors in accordance with the appropriate articles.

Article 367. Disobedience

(1) Disobedience, i.e. open refusal to fulfill a chief's order, as well as another intentional disobedience of an order,- is punishable by detention in a disciplinary military unit for a period of up to 2 years or imprisonment for a period of 2 to 5 years.

(2) The same action:

- a) causing grave consequences;
- b) committed during battle operations or wartime,-

is punishable by imprisonment for a period of 5 to 10 years.

Article 368. Non-Performance of an Order

(1) Non-performance of a chief officer's order by a subordinate which caused substantial damage to the interests of service, when there are no elements specified by Article 367, paragraph 1 of the present Code, is punishable by service restrictions for up to 2 years, confinement for up to 6 months, or detention in the disciplinary unit for up to 2 years.

(2) The same action committed during battle operations or wartime,- is punishable by imprisonment for a period of 5 to 15 years.

Article 369. Obstructing an Officer or Coercing an Officer Into Violating Duties

(1) Obstructing an officer or any other person who performs duties entrusted to him according to the military service, or forcing him to infringe these duties, committed with violence or threat of violence, is punishable by service restrictions for up to 2 years or detention in the disciplinary unit for up to 1 year or by up to 5 years of imprisonment.

(2) The same actions, committed:

- a) by a group of persons, by a group of persons in a conspiracy or an organized group;
- b) using weapons;
- c) with infliction of serious bodily injury or other aggravated consequences, -

are punishable by imprisonment for a period of 5 to 10 years.

(3) The same actions committed during battle operations or wartime, are punishable by imprisonment for a period of 5 to 15 years.

Article 370. Using of Violence Towards an Officer

(1) Infliction of bodily injury, beating or any action of violence toward an officer, committed in connection with the discharge of military duties or while performing these duties, is punishable by service restrictions for up to 2 years, detention in the disciplinary unit for up to 1 year or by up to 5 years' imprisonment.

(2) The same actions, committed:

- a) by a group of persons, group of individuals in a conspiracy or organized group;
- b) using weapons;
- c) causing serious minor or major bodily injury or other grave consequences, -

are punishable by imprisonment for a period of 5 to 10 years.

(3) The actions specified by paragraphs 1 or 2 of the present article committed during wartime or battle operations, are punishable by deprivation of freedom for a period of 10 to 15 years.

Article 371 Threat to an Officer

(1) Threat of murder, causing injury to the health, threat of beating toward an officer in connection with the discharge of military service obligations when there are sufficient grounds to fear the threat, -is punishable by detention in a disciplinary military unit for up to 2 years or deprivation of freedom for the same period of time.

(2) The same actions committed during battle operations or wartime,- are punishable by imprisonment for a period of 3 to 5 years.

Article 372 Insulting a Serviceman

(1) Insulting a military man by another military man during or in connection with the discharge of military service duties, is punishable by service restrictions for up to 6 months or detention in a disciplinary military unit for the same period.

(2) Insulting an officer by a subordinate as well as a subordinate by an officer while performing military duties or in connection with the discharge of the duties, is punishable by service restrictions for up to 1 year or detention in a disciplinary military unit for the same period.

Article 373 Violating the Rules of Conduct Prescribed by Military Regulations In Governing Relations Between Military Men Not Subordinated to Each Other

(1) Violating the rules of conduct, prescribed by military regulations governing relations between military men who are not subordinated to each other, resulting in humiliation of honor and dignity, torture, light bodily injury or illegal deprivation of freedom, is punishable by confinement for up to 6 months, detention in a disciplinary military unit for up to 1 year, or by up to 5 years of imprisonment.

(2) The same action, committed :

a) repeatedly;

b) in relation to two and more persons;

c) by a group of persons, group of persons in a conspiracy or organized group;

d) using weapons;

e) with infliction of minor or major bodily injury or other grave consequences,

is punishable by deprivation of freedom for a period of 5 to 10 years.

Article 374 Unauthorized Absence From the Unit or Place of Service

(1) Unauthorized absence from the unit or place of service as well as untimely reappearance without good cause from a granted leave of absence, hospital, business trip, transfer, the duration of which is more than 1 day but not more than 10 days, committed by draftees, as well as evasion of military service for the same period by forgery of documents or any other fraud, is punishable by confinement for up to 6 months or detention in the disciplinary military unit for up to 1 year.

(2) The same actions, committed by a military man serving a sentence in the disciplinary military unit, are punishable by deprivation of freedom for up to 2 years.

(3) Unauthorized absence from the unit or place of service by a person in military service for a regular term, warrant officer as well as their untimely reappearance for service without good cause, the duration of which is between 10 days and 1 month as well as evasion of military service for the same period by forgery of documents or any other fraud, is punishable by service restrictions for up to 2 years or deprivation of freedom for up to 3 years.

(4) Unauthorized absence from the unit or place of service as well as untimely reappearance for service without good cause, the duration of which is more than 1 month, committed by persons indicated in Part 2 of the present article is punishable by deprivation of freedom for up to 5 years.

(5) The actions specified in the present Article , committed during wartime or battle operations, irrespective of duration, are punishable by deprivation of freedom for a period of 5 to 10 years.

Article 375. Desertion

(1) Desertion means unauthorized leave of absence from a military unit or place of military service with the purpose of evasion of military service or failure to appear for military service is punishable by up to 5 years' imprisonment.

(2) The same offense, committed by an officer or warrant military man, is punishable by deprivation of freedom for a period of 3 to 7 years.

(3) Desertion, committed with a weapon entrusted during service as well as desertion committed by a group of individuals in a conspiracy or organized group, is punishable by imprisonment for a period of 3 to 10 years.

(4) Desertion committed during battle operations or wartime, is punishable by deprivation of freedom for up to 15 years.

Note: A military man, who has committed desertion specified by Part 1 of the present article for the first time, may be relieved from criminal liability, if he gives himself up to the place of service, or desertion was due to concurrence of serious circumstances.

Article 376. Evasion of Military Duties by Self-inflicted Injury or Another Way

(1) Evasion of military service duties by self-inflicted injuries, faking a medical condition or other deceit, as well as refusal to perform military service duties, is punishable by service restrictions for up to 2 years, confinement for a period of 3 to 6 months, detention in a disciplinary unit for up to 2 years, or up to 5 years' imprisonment.

(2) The same action, committed with the purpose of evading military duties completely, is punishable by deprivation of freedom for up to 7 years.

(3) The same offense, committed in a combat situation or during wartime, is punishable by deprivation of freedom for a period of 5 to 10 years.

Article 377. Breaking the Rules of Combat Duty

(1) Breaking the rules of combat duty on repulse of a sudden attack on the Republic of Tajikistan or ensuring of its security, if this act caused or could cause injury to the interests of the state security, is punishable by service restrictions for up to 2 years, or up to 2 years of detention in a disciplinary unit, or up to 5 years' imprisonment.

(2) The same action, which caused grave consequences or committed during battle operations or wartime, is punishable by deprivation of freedom for up to 10 years.

(3) Breaking the rules of combat duty in consequence of negligent attitude to them, causing grave consequences, is punishable by service restrictions for up to 2 years or detention in a disciplinary unit for up to 2 years, or deprivation of freedom for up to 3 years.

Article 378. Breaking the Rules of Border Service

(1) Breaking the rules of border service by a serviceman stationed at the border, if this act caused or could cause injury to the interests of the state security, is punishable by service restrictions for up to 2 years or detention in a disciplinary unit for up to 2 years, or up to 3 years of imprisonment.

(2) The same action, which caused grave consequences or committed during battle operations or wartime, is punishable by deprivation of freedom for a period of 5 to 10 years.

(3) Breaking the rules of border service as a result of careless attitude to them, causing grave consequences, is punishable by service restrictions for up to 2 years or up to 2 years of detention in a disciplinary unit, or up to 2 years' imprisonment.

Article 379. Breaking the Rules of Guard Duty

(1) Breaking the rules of guard duty, if this action resulted in injuring objects or things being guarded, is punishable by service restrictions for up to 2 years or confinement for up to 6 months, or detention in a disciplinary unit for up to 2 years, or deprivation of freedom for up to 2 years.

(2) The same action, which caused grave consequences or committed during battle operations or wartime, is punishable by deprivation of freedom for a period of 5 to 10 years.

(3) Breaking the rules of guard duty due to careless attitude to them, which caused grave consequences, is punishable by imprisonment for up to 1 year.

Article 380. Breaking the Rules of Internal Service and Patrol in the Garrison

Breaking the rules of internal service, as well as breaking the rules of patrol in the garrison resulting in grave consequences, is punishable by service restrictions for up to 2 years or confinement for up to 6 months, or detention in a disciplinary unit for up to 2 years.

Article 381 Breaking the Rules of Service on Protection of the Public Order and Public Security

(1) Breaking the rules of service on protection of the public order or public security, if this action injured rights and lawful interests of citizens, is punishable by service restrictions for up to 2 years or confinement for up to 6 months, or detention in a disciplinary unit for up to 2 years, or deprivation of freedom for up to 2 years.

(2) The same action, causing grave consequences, is punishable by deprivation of freedom for a period of 2 to 5 years.

Article 382 Voluntary Transferring Firearms, Ammunitions, Explosives and Military Equipment by a Serviceman

Voluntary transferring firearms, ammunitions, explosives and military equipment to another person by a serviceman, if this act caused grave consequences, is punishable by imprisonment for a period of 3 to 7 years.

Article 383 Handing over or Leaving Military Forces, Fortifications and Materiel to the Enemy

Handing over military forces to the enemy by the commander, as well as leaving fortifications and materiel to the enemy, if these actions were not committed with the purpose to assist the enemy, is punishable by imprisonment for a period of 5 to 10 years.

Article 384 Unauthorized Leaving the Battle-Field or Refusal to Use Weapons

Unauthorized leaving the battle-field or refusal to use weapons during fighting, is punishable by imprisonment for a period of 5 to 10 years.

Article 385. Voluntary Surrender

Voluntary surrender from cowardice or pusillanimity, is punishable by imprisonment for a period of 5 to 10 years.

Article 386. Destruction or Damage of Military Property

(1) Destruction or damage of weapons, ammunition or materiel due to carelessness, which caused grave consequences, is punishable by a fine in the amount up to 500 times the minimum monthly wage, service restrictions for up to 2 years or confinement for up to 6 months, or detention in a disciplinary unit for up to 2 years.

(2) Intentional destruction or damage of weapons, ammunition or military equipment, is punishable by a fine in the amount up to 2000 times the minimum monthly wage, service restrictions for up to 2 years, or detention in a disciplinary unit for up to 2 years or up to 3 years of imprisonment.

(3) The same actions specified by Part 2 of the present article, causing grave consequences, are punishable by deprivation of freedom for up to 5 years.

(4) The same actions stipulated by Part 2 of the present article, committed during battle operations or wartime, are punishable by imprisonment for a period of 10 to 15 years.

Article 387. Breaking the Rules of Handling Weapons and Extremely Dangerous Articles

(1) Breaking the rules of handling weapons, ammunition, radio-active materials, explosives or other substances and extremely dangerous articles, resulting in the infliction of minor and major bodily injuries due to carelessness,

destruction of materiel or other grave consequences, is punishable by detention in a disciplinary unit for up to 2 years or up to 3 years' imprisonment.

(2) The same action, resulting in the death of the victim due to carelessness, is punishable by deprivation of freedom for up to 5 years.

(3) The action specified in Part 1 of the present article, resulting in the death of two or more persons, is punishable by deprivation of freedom for up to 10 years.

Article 388. Waste or Loss of Military Property

(1) Waste, that is selling, transferring or pledging by a serviceman military equipment entrusted to him for his personal use, as well as loss or damage of the equipment, is punishable by a fine in the amount up to 500 times the minimum monthly wage or detention in a disciplinary unit for up to 2 years.

(2) Breaking the rules of keeping weapons, ammunition or military equipment entrusted for service use, if it caused its loss, is punishable by a fine in the amount of 500 to 1000 times the minimum monthly wage or service restrictions for up to 2 years or detention in a disciplinary unit for up to 2 years.

(3) The actions specified by the present article committed during battle operations or wartime, are punishable by imprisonment for a period of 2 to 5 years.

Article 389. Breaking the Rules of Driving or Operating Vehicles

(1) Breaking the rules of driving or operating military, special or other transport vehicles, resulting in the infliction of minor injury to the health of the victim, is punishable by confinement for a period of 4 to 6 months or detention in a disciplinary unit for up to 2 years, or by up to 2 years' imprisonment with or without deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

(2) The same action, resulting in the death of a person due to negligence, is punishable by imprisonment for a period of 2 to 5 years with or without deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

(3) The action specified by Part 1 of the present article, resulting in the death of two or more victims, is punishable by deprivation of freedom for a period of 4 to 10 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years.

Article 390. Breaking the Rules of Flights or Preparation for Flights

Breaking the rules of flights or preparation for flights, as well as breaking the rules of using aircraft resulting in the death of a person or other aggravated consequences, is punishable by deprivation of freedom for a period of 5 to 10 years.

Article 391 Abuse of Power or Official Position, Excessive Use of Official Authority or Failure to Use Power

(1) Abuse of power or official position by commanders or officials, excessive use of power or official authority, as well as failure to use power, causing substantial damage to the armed forces, to the rights and legitimate interests of servicemen and other citizens, is punishable by service restrictions for up to 2 years or confinement for up to 6 months, or up to 5 years' imprisonment with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years.

(2) The same actions, resulting in the infliction of minor or major bodily injury, are punishable by imprisonment for a period of 5 to 8 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years.

(3) The same actions, causing:

a) a person's death;

b) other grave consequences, -

are punishable by deprivation of freedom for a period of 10 to 12 years.

(4) The actions specified by the present article committed during battle operations or wartime, are punishable by imprisonment for a period of 12 to 15 years.

Article 392 Negligent Attitude to the Service

(1) If a commander or other official person fails to fulfill his service duties due to negligent attitude, resulting in substantial damage or other aggravated consequences, is punishable by service restrictions for up to 2 years or confinement for up to 6 months, up to 2 years' imprisonment.

(2) The same action committed in a battle situation or during wartime, is punishable by imprisonment for a period of 5 to 10 years.

Article 393 Misappropriation of Weapons, Ammunition and Materiel

(1) Misappropriation of weapons, ammunition, materiel or explosives, which are kept in military depots or other depositories, is punishable by deprivation of freedom for up to 7 years.

(2) Misappropriation, committed :

- a) repeatedly;
- b) by a group of individuals in a conspiracy;
- c) using violence, not endangering the life and health ;
- d) in a large amount, or causing grave consequences, -

is punishable by deprivation of freedom for a period of 5 to 12 years.

(3) Misappropriation, committed:

- a) by an organized group;
- b) in especially large amount;
- c) with violence endangering the life and health, or with the threat of such violence, -

is punishable by deprivation of freedom of 8 to 15 years.

Article 394 Divulging Military Secrets or Loss of Documents Containing Military Secrets

(1) Loss of documents containing military secret information but not containing state secret by a person who is officially responsible for them, if the loss results from breaking the rules of handling the above documents, is punishable by confinement for up to 6 months or deprivation of freedom for a period of 1 to 3 years.

(2) Divulging military secret information which is not a state secret, is punishable by deprivation of freedom for a period of 2 to 5 years.

(3) The actions specified by Part 1 and Part 2 of the present article, if they caused aggravated consequences, are punishable by deprivation of freedom for a period of 3 to 8 years.

SECTION XV. CRIME AGAINST THE PEACE AND SAFETY OF MANKIND

CHAPTER 34 Crime Against the Peace and Safety of Mankind

Article 395. Aggressive War

(1) Planning or preparation of an aggressive war is punishable by imprisonment for 12 to 20 years with confiscation of property.

(2) Unleashing or conducting an aggressive war is punishable by imprisonment for 15 to 20 years with the simultaneous confiscation of property or death penalty.

Article 396. Public Appeals To Unleashing an Aggressive War

(1) Public appeals to unleashing an aggressive war is punishable by a fine of 500 to 1000 times the minimum monthly wage or imprisonment for a period of 2 to 5 years.

(2) The same actions committed using mass media or by persons who hold state positions of the Republic of Tajikistan are punishable by imprisonment for a period of 7 to 10 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 5 years.

Note: The list of persons who hold state positions is determined by the legislation of the Republic of Tajikistan.

Article 397. Production or Distribution of Mass Destruction Weapons

Producing, purchasing, keeping, transporting or selling nuclear, neutron, chemical, biological (bacteriological), climatic or other kind of mass destruction weapons prohibited by international treaty, as well as transferring initial or special fissionable materials, technologies which may be used for creating mass destruction weapons to any state which does not have nuclear weapons or transferring other kinds of mass destruction weapons to anybody or components which are necessary for producing them, is punishable by imprisonment for a period of 12 to 20 years.

Article 398. Genocide

Actions committed with the intent of full or partial destruction of a national, ethnic, racial, or religious group by full or partial physical extermination, violent diminishing of child - bearing or transfer of children from one of these human groups to another, causing grave injury to their health, as well as creation of living conditions leading to physical liquidation of members of the group are punishable by imprisonment for a period of 15 to 20 years or death penalty.

Article 399. Biocide

Using of nuclear, neutron, chemical, biological (bacteriological), climatic or other kind of mass destruction weapons with the intent of destruction of people and environment is punishable by imprisonment for a period of 15 to 20 years, or death penalty.

Article 400. Ecocide

Mass destruction of flora and fauna, poisoning the atmosphere or water resources, as well as commitment of other actions which may cause ecological disasters is punishable by imprisonment for a period of 15 to 20 years.

Article 401 Hiring of Mercenaries

(1) Hiring, training, financing, or other material maintenance of mercenaries, as well as their using in armed conflicts or military operations is punishable by imprisonment for a period of 5 to 12 years.

(2) The same actions committed by an individual using his/her official position or in relation to a minor are punishable by imprisonment for a period of 7 to 15 years simultaneously with confiscation of property.

(3) The participation of a mercenary in armed conflicts or battle operations is punishable by imprisonment for a period of 12 to 20 years.

Article 402 Assault on Individuals and Institutions Enjoying International Protection

(1) Assault on a representative of a foreign state or employee of an international organization enjoying international protection, or on members of his/her family, as well as assault on apartments and offices or means of transportation of persons being under international protection, if these actions committed with the purpose of provocation of war or aggravating international relations is punishable by imprisonment for a period of 5 to 10 years.

(2) Threat of assault provided by Part 1 of the present article is punishable by imprisonment for a period of 2 to 5 years.

(3) The same action specified by Part 1 of the present article, causing grave consequences is punishable by imprisonment for a period of 12 to 20 years.

Article 403. Intentional Violations of Norms of International Humanitarian Law Committed in the Course of Armed Conflicts

(1) Intentional violation of norms of International Humanitarian Law committed in the course of international or internal armed conflicts, i.e. assaults on population or certain citizens, assaults on installations or erections containing dangerous forces, assaults on a person who has ceased to participate in hostilities, assaults on areas which are not defended and demilitarized zones, destruction and damage of historical monuments, works of arts, treacherous use of Red Cross and Red Crescent signs, and other signs and signals recognized in accordance with International Humanitarian Law, dislocation of the population by occupiers to the territory which has been occupied by them, deportation or dislocation the whole or a part of the population of the occupied territory within this territory or out of the territory, unjustified delay with repatriation of prisoners of war or civil persons, using practice of apartheid and other humiliating actions insulting a person's dignity, based on racial discrimination and causing a person's death or serious injury to his/her physical and mental state, or causing serious damage, is punishable by imprisonment for a period of 10 to 15 years.

(2) Intentional violation of norms of International Humanitarian Law committed in the course of international or internal armed conflicts, aimed against persons who do not participate in battle operations, as well as against wounded men, sick men, medical and ecclesiastical staff, medical units or medical transport means, against prisoners of war, citizens, civil population being on occupied territories or in zones of battle operations, against refugees and stateless persons, resulting in:

- a) murder;
- b) tortures and inhuman treatment, including biological experiments made upon persons;
- c) grave sufferings or actions threatening physical or mental state;
- d) forcing a prisoner of war or a person under protection to service in armed forces of the enemy;
- e) depriving a prisoner of war or a person under protection the rights to impartial and fair legal proceedings;
- f) deportation, illegal exile or detention of persons under protection;
- g) taking hostages;
- h) arbitrary destruction of property made on a large scale and misappropriation of property,-

is punishable by imprisonment for a period of 15 to 20 years or death penalty.

Article 404. Intentional Violation of Norms of International Humanitarian Law Committed During International or Internal Armed Conflicts With Threat to the Health or Causing Physical Mutilations

Medical treatment in relation to persons being in the power of an opposing side, arrested or deprived of freedom in any other way, which is not required due to the state of health and does not correspond to generally accepted medical norms, actions committed to such persons even with their consent, causing physical mutilations, performing medical, scientific experiments and transplant operations, is punishable by imprisonment for a period of 7 to 10 years.

Article 405. Other Violations of Norms of International Humanitarian Law

If there are no elements of crimes specified in Articles 403 and 404 of the present Code, pillage, that is seizure or taking of clothes from wounded or dead men in a battle situation as well as taking of citizen's property left in the zone of battle operations, using of the mentioned persons for covering troops or objectives from battle operations, using of means, materials and mass destruction weapons prohibited by international treaty, is punishable by imprisonment for a period of 10 to 20 years.

