

## Penal Code extracts

### Article 288. Illegal manufacture of weapons

- (1) The illegal manufacture or repair of firearms or firearms spare parts and the illegal manufacture of ammunition, explosives or explosive devices shall be punishable by imprisonment for up to three years.
- (2) The same acts committed by a group of persons on the basis of prior agreement or on repeated occasions shall be punishable by imprisonment for two to five years.
- (3) The illegal manufacture of gas weapons, daggers, Finnish knives or other edged weapons, including throwing weapons, shall be punishable by punitive deduction of earnings for up to two years or by imprisonment for up to three years.

*Note: A person who voluntarily surrenders items referred to in this article is exempted from criminal liability provided that he has not committed other offences.*

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### Article 254 Smuggling

- (1) Smuggling, that is the large-scale transfer across the customs border of Turkmenistan of goods or other items for which special rules have been established regarding their transfer across the customs border of Turkmenistan, with the exception of goods and items referred to in paragraph 3 of this article, carries out without the knowledge of customs inspectors or concealed from them through the fraudulent use of documents or means of customs identification, or involving the failure to make a declaration or the making of a false declaration, shall be punishable by a fine of 25 to 50 times the average monthly wage or by punitive deduction of earnings for up to two years or by imprisonment for up to three years, with or without confiscation of property.
- (2) The act referred to in paragraph 1 of this article committed:
  - a) On repeated occasions;
  - b) By a group of persons on the basis of prior agreement or an organized group;
  - c) By an official using his position or by a person exempt from customs inspections;
  - d) With the use of violence against a person conducting customs inspections shall be punishable by imprisonment for two to five years, with or without confiscation of property.
- (3) The transfer across the customs border of Turkmenistan of narcotic drugs, psychotropic, virulent, toxic, poisonous or radioactive substances, explosives, arms, explosive devices, firearms or ammunition, nuclear, chemical, biological and other types of weapons of mass destruction and for which special rules have been established regarding their transfer across the customs borders of Turkmenistan, strategically imported raw materials, and cultural artefacts for which special rules have been established regarding their transfer across the

customs border of Turkmenistan, if such act is committed without the knowledge of customs inspectors or is concealed from them through the fraudulent use of documents or means of customs identification, or involves the failure to make a declaration or the making of a false declaration, shall be punishable by imprisonment for three to eight years, with or without confiscation of property.

- (4) The act referred to in paragraph 3 of this article committed:
- a) On repeated occasions;
  - b) By a group of persons on the basis of prior agreement or an organized group;
  - c) By an official using his position or by a person exempt from customs inspections;
  - d) With the use of violence against a person conducting customs inspections shall be punishable by imprisonment for 5 to 10 years, with or without confiscation of property.

*Note: The act referred to in paragraph 1 of this article is deemed to have been committed on a large scale if the value of the goods transferred is more than 30 times the average monthly wage.*