

Criminal Code

Consolidation Act No. 909 of 27 September 2005

(excerpts)

(...)

Section 75

(1) The proceeds gained from any criminal act, or a sum equivalent thereto, may, either wholly or in part, be confiscated. Where the size of such an amount has not been sufficiently established, a sum thought to be equivalent to the proceeds may be confiscated.

(2) The following objects may also be confiscated where this must be regarded as necessary in order to prevent further offences, or if warranted by special circumstances:

- 1) objects which have been used, or were intended to be used, in a criminal act;
- 2) objects produced by a criminal act; and
- 3) objects with respect to which a criminal act has otherwise been committed.

(3) In place of confiscation of the objects referred to in Subsection (2) above, a sum may instead be confiscated which is equivalent to their value or a part thereof.

(4) In place of confiscation under Subsection (2) above, arrangements concerning the objects may instead be decided upon for the purpose of preventing further offences.

(5) When an association is dissolved by judgment, its capital, documents, protocols etc. may be confiscated.

Section 76

(1) Confiscation under Section 75(1) of this Act may be from any person to whom the proceeds of a criminal act have directly passed.

(2) Confiscation of the objects and amounts referred to in Section 75(2) and (3) of this Act may be from any person who is responsible for the offence and also from someone on whose behalf such a person has acted.

(3) Specially protected rights over confiscated objects lapse only after the court's decision under circumstances similar to those referred to in Subsection (2) above.

(4) Where one of the persons referred to in Subsections (1) and (2) above has, after the criminal act, disposed of the proceeds or of objects of the kind referred to in Section 75(2) of this Act, or of rights of these, the transferred property or its value may be confiscated from the acquirer if he knew of the connection of the transferred property to the criminal act, or has displayed gross negligence in this respect, or if the transfer to him was gratuitous.

(5) Where a person who is liable to confiscation under Subsections (1)-(4) dies, his liability lapses. This shall not apply to confiscation under Section 75(1) of this Act.

Section 76a

(1) Total or partial confiscation of property belonging to a person found guilty of a punishable act may take place when

- 1) the act committed is of a nature which may entail a significant gain; and
- 2) according to the law, the act committed is punishable by imprisonment of six years or more, or is a violation of the laws of euphoriants.

(2) Under conditions mentioned in Subsection (1) above, total or partial confiscation of property which the spouse or cohabitant of the offender has acquired may take place unless

1) the property has been acquired more than five years prior to the punishable act upon which the confiscation according to Subsection (1) is based; or

2) the matrimony or cohabitation was not in force at the time of acquisition.

(3) Under conditions mentioned in Subsection (1) above, total or partial confiscation of property transferred to a legal person upon whom the offender, alone or together with his closest relations, has a decisive influence, may take place. The same shall apply if the person in question received a significant part of the income of the legal person. Confiscation may not take place if the property was transferred to the legal person more than five years prior to the punishable act upon which confiscation according to Subsection (1) above is based.

(4) Confiscation according to Subsections (1)-(3) above may not take place if the offender proves beyond any doubt that the property has been acquired in a legal way or with legally acquired means.

(5) In place of confiscation of certain property according to Subsections (10)-(3) above, an amount corresponding to the value of the property or a part of the value, may be confiscated.

Section 77

(1) Where there is confiscation under Section 75(1) or 76a of this Act and a person has claim to damages on account of the offence the confiscated property may be used in satisfaction of the claim of damages.

(2) The same shall apply to objects and amounts confiscated under Section 75(2) and (3) of this Act, if a decision to this effect is made in the sentence.

(3) Where the offender has, in one of the situations referred to in Subsections (1) and (2) above, paid the injured party compensation according to the sentence, the confiscated sum shall be reduced accordingly.

Section 77a

Where there is reason to believe that objects, which because of their character in connection with other existing circumstances, may be used in a criminal act, they may be confiscated if this measure is regarded as necessary for the prevention of the criminal act. Under the same conditions confiscation of other assets, including money, may take place. Section 75(4) of this Act shall similarly apply here.

(...)

Section 260

Any person, who

(1) by violence or under threat of violence, of substantial damage to property, of the deprivation of liberty or of a false accusation of having committed a punishable act or dishonourable conduct or of revealing matters appertaining to someone's private affairs, forces any person to do, suffer or omit to do anything; or who

(2) under threat of denouncing or revealing a punishable act or of making true accusations of dishonourable conduct, forces any person to do, suffer or omit to do anything, provided such coercion is not deemed to be duly justified by virtue of the circumstances to which the threat relates;

shall be guilty of unlawful coercion and liable to a fine or to imprisonment for any term not exceeding two years.

Section 261

(1) Any person, who deprives another person of liberty shall be liable to a fine or to imprisonment for any term not exceeding four years.

(2) If the deprivation of liberty has been effected for the purpose of gain or if it has been of long duration or if it consisted of any person being unlawfully kept in custody as insane or mentally deficient or being enlisted for foreign military service or being taken into captivity or any other state of dependence in any foreign country, the penalty shall be imprisonment for any term not exceeding 12 years.

(3) Any person, who through gross negligence brings about a deprivation of liberty of the nature referred to in Subsection (2) above, shall be liable to a fine or to imprisonment for any term not exceeding six months.

Section 262 a

(1) Any person who recruits, transports, transfers, houses or subsequently receives a person, using or following the use of

- 1) unlawful coercion pursuant to Section 260 of this Act;
- 2) deprivation of liberty pursuant to Section 261 of this Act;
- 3) threats pursuant Section 266 of this Act;
- 4) unlawful induction, corroboration or exploitation of a delusion; or
- 5) other unseemly conduct;

for the purpose of exploitation of the individual through sexual immorality, forced labour, slavery or slavery-like conditions, or removal of organs, shall be guilty of trading in human beings and liable to imprisonment for any term not exceeding eight years.

(2) The same penalty shall apply to any person who, for the purpose of exploitation of the individual through sexual immorality, forced labour, slavery or slavery-like conditions, or removal of organs,

- 1) recruits, transports, transfers, houses or subsequently receives a person under the age of 18 years, or
- 2) renders a payment or other favours to obtain consent to the exploitation from an individual who has guardianship over the victim, and any person who receives such payment or other favours."

(...)

Section 264d

Any person, who unlawfully forwards information information or pictures concerning another person's private life or other pictures of the person in question in circumstances which can obviously be expected to be withheld from the public shall be liable to a fine or to imprisonment for any term not exceeding sex months. The provision shall similarly apply where the information or picture concern a deceased person.

(...)

Section 266

Any person, who in a manner likely to induce in some other person serious fear concerning the life, health or welfare of himself or of others, threatens to commit a punishable act, shall be liable to a fine or to imprisonment for any term not exceeding two years.

(...)