

LAW N. VIII: SUPPLEMENTARY NORMS ON CRIMINAL LAW MATTERS

(11 July 2013)

THE PONTIFICAL COMMISSION FOR

THE VATICAN CITY STATE

- bearing in mind the *Fundamental Law of the Vatican City State* of 26 November 2000;
- bearing in mind the *Act on Sources of Law* of October 1, 2008, N. LXXI;
- bearing in mind the *Decree of the President of the Governorate* of 25 January 2012, N. CLIX, promulgating amendments and additions to Law of 30 December 2010, N. CXXVII, on the Prevention and Countering of the Laundering of the Proceeds of Criminal Activities and the Financing of Terrorism, confirmed by Law of 24 April 2012, N. CLXVI;

considering that

- pursuant to articles 7 of the *Act on the Sources of Law* of 1 October 2008, N. LXXI, the Italian Criminal Code received into the Vatican legal system by the Law of 7 June 1929, N. II, is currently in force in the Vatican City State;
- over the years, the Holy See, acting also in the name and on behalf of the Vatican City State, has ratified various international conventions that require the criminalization of various wrongful acts with a view to suppressing certain criminal activities;
- as a consequence of the development of crimes committed through legal persons, it is also appropriate to introduce a system setting forth the administrative liability of legal persons arising from crimes;

has promulgated the following

LAW

CHAPTER I

CRIMES AGAINST THE PERSON

Article 1

(Racial discrimination)

1. For the purposes of this article, “*racial discrimination*” means any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
2. Whoever commits one of the following acts:
 - a) dissemination of ideas based on racial superiority or hatred;
 - b) incites acts of racial discrimination;
 - c) executes or incites others commit, for racial or ethnic reasons, to acts of violence against any race or group of persons of a different color or ethnic origin;

d) provides any form of support to activities directed toward racial discrimination, including by financing them;

is punished with five to ten years imprisonment.

3. Whoever constitutes, organizes or directs an organization intended to propagate ideas based on racial superiority or hatred or which promotes or incites racial discrimination, is punished with five to ten years imprisonment.
4. Whoever participates intentionally in such an organization, is punished, by the mere fact of his participation, with three to seven years imprisonment.
5. To the offence set forth in this article shall apply also the provisions of article 248, paragraphs 3, 5, 6 and 7 of the Criminal Code.

Article 2

(Trafficking in human beings)

1. Whoever traffics with a person in the conditions referred to in article 145 of the Criminal Code, and whoever, in order to commit the offence set forth in that article, induces him through deception or coerces, through violence, threat, abuse of power, or abuse of a situation of physical or mental vulnerability or need, or through the offer or conferral of money or other benefits to the person who has control over him, to enter, sojourn, or exit the territory of the State or to transfer within its territory, is punished with eight to twenty years imprisonment.
2. The penalty is increased by one-third to one-half if the acts referred to in paragraph 1 are committed against a minor, or if they are directed to the exploitation through prostitution or to inflict upon the victim the removal of organs.

Article 3

(Torture)

1. The public official having judicial, judicial police or law enforcement functions, as well as whoever performs in an official capacity a similar or analogous role, and whoever, under their instigation or with their consent or acquiescence, inflicts severe pain or suffering, whether physical or mental, to a person in order to obtain from him or a third person some information or a confession, or to punishing him for an act that he or a third person has committed, or is suspected of having committed, or to intimidate or coerce him or a third person, or for any other reason based on any kind discrimination, is punished with five to ten years imprisonment.
2. The penalty is increased by one-half if the offence results in serious injury or if it is committed against a minor. The penalty is doubled if the offence results in an injury of the utmost gravity.
3. If, as an unintended consequence of the offence, the victim dies, the penalty shall be of no less than fifteen years imprisonment.
4. The offence does not exist when the pain or suffering arises from, is inherent to, or is caused by legitimate measures or sanctions.

5. The offence is not justified by an order from a superior officer or a public authority, nor by a state of war or a threat of war, nor by internal political instability or any other exceptional circumstances.
6. No statement made under torture may be invoked or used as evidence in any proceedings, except against a person accused of torture, in order to prove that such a statement was made.

CHAPTER II

CRIMES AGAINST CHILDREN

Article 4

(Definitions)

For the purposes of the criminal law:

- a) “*minor*” means every human being below the age of eighteen years;
- b) “*sale of children*” means any act or transaction whereby a minor is transferred by any person or group of persons to another person or group of persons for remuneration or any other compensation;
- c) “*child prostitution*” means the use of a minor in sexual activities for remuneration or for any other form of compensation, either given or promised to the minor or to other person;
- d) “*child pornography*” means any representation, by whatever means, of a minor engaged in real or simulated explicit sexual activities as well as any representation of the sexual parts of a minor for primarily sexual purposes;

Article 5

(Sale of children)

1. Unless it constitutes a more serious offence, whoever sells, offers, procures, delivers or accepts, a minor for the purposes of:
 - a) exploiting the minor for sexual purposes;
 - b) engaging the minor in child prostitution;
 - c) transferring the minor’s organs for profit;
 - d) employing the minor in forced labour;is punished with six to twelve years imprisonment and a fine from 15,000 to 150,000 euro.
2. Whoever, as an intermediary in the sale of a minor, improperly obtains consent for the adoption of a minor in violation of applicable international legal instruments on adoption is punished with three to six years imprisonment and a fine from 5,000 to 50,000 euro.

Article 6

(Child prostitution)

1. Whoever induces a minor into child prostitution as well as whoever manages, organizes, controls, abets or profits from child prostitution, is punished with six to twelve years imprisonment and a fine from 15,000 to 150,000 euro.
2. If the minor is under fourteen years of age, the penalty is increased.

Article 7

(Sexual violence against children)

1. Whoever coerces a minor, through violence, threats or an abuse of authority, to engage or endure sexual acts is punished with six to twelve years imprisonment and a fine from 15,000 to 150,000 euro.
2. If the minor is under fourteen years of age, the penalty is increased.

Article 8

(Sexual acts with children)

1. Unless it constitutes a more serious offence, whoever engages in sexual acts with a minor of less than fourteen years of age is punished with five to ten years imprisonment and a fine from 10,000 to 100,000 euro.
2. Unless it constitutes a more serious offence, the penalty is increased if the offence is committed by a ascendant, parent, guardian, or other person to whom the minor is entrusted for reasons of care, formation, education, supervision or custody, or by a person who cohabitates with one of them.
3. If the minor is over fourteen years of age but under sixteen, the penalty is reduced.
4. If the minor is over sixteen years of age, the penalty set forth in paragraph 1 is reduced by a fourth.
5. In the cases foreseen in paragraphs 3 and 4, the offence does not exist if the sexual acts take place within a marriage.

Article 9

(Ignorance of the age of the victim)

When the offences set forth in articles 5, 6, 7, 8 and 10, paragraph 1, are committed against a minor is under fourteen years of age, the guilty person may not invoke his ignorance of the age of the victim as a justifying factor.

Article 10

(Child pornography)

1. Whoever stages pornographic shows using a minor, produces child pornography, or recruits or induces a minor to take part in pornographic shows, is punished with six to twelve years imprisonment and a fine from 25,000 to 250,000 euro.

2. The same penalty applies to whoever trades in child pornography.
3. Whoever, outside the cases foreseen in the preceding paragraphs, distributes, disseminates, transmits, imports, exports, offers or sells child pornography, through any means, even electronically, as well as whoever possesses child pornography for those purposes or otherwise distributes or disseminates knowledge or information directed at grooming or exploiting minors for sexual purposes, is punished with one to five years imprisonment and a fine from 2,500 to 50,000 euro.
4. Whoever, outside the cases foreseen in the preceding paragraphs, offers or supplies others, even free of charge, child pornography, is punished with up to three years imprisonment and a fine from 1,500 to 15,000 euro.
5. In the cases foreseen in paragraphs 3 and 4, the penalty is increased if a considerable quantity of pornographic material is involved.
6. Unless it constitutes a more serious offence, whoever participates in an exhibition of child pornography, is punished with up to two years imprisonment and a fine of up to 10,000 euro.

Article 11

(Possession of child pornography)

1. Whoever, outside the cases foreseen in article 10, obtains or intentionally possesses child pornography, is punished with up to two years imprisonment and a fine from 1,500 to 10,000 euro.
2. The penalty is increased if a considerable quantity of pornographic material is involved.

Article 12

(Recruitment of children)

1. Unless it constitutes a more serious offence, whoever recruits, trains or uses a minor in a criminal group or in an armed group, is punished with three to six years imprisonment.
2. The penalty is increased if the minor is under fourteen years of age.

CHAPTER III

CRIMES AGAINST HUMANITY

Article 13

(Definitions)

For the purposes of this chapter:

- a) “*Attack directed against the civilian population*” means a course of conduct involving the commission of acts referred to in article 15 against the civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

- b) “*extermination*” means the intentional infliction of conditions of life calculated to bring about the destruction of part of a population;
- c) “*enslavement*” means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, including in particular the trafficking in women and minors for the purpose of sexual exploitation;
- d) “*deportation or forcible transfer of population*” means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, in the absence of the grounds admissible under international law;
- e) “*Persecution*” means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
- f) “*apartheid*” means the acts referred to in article 1, paragraph 2, and article 15, letters a), b), c), d), e), f), g), h) and i), when committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
- g) “*Enforced disappearance of persons*” means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

Article 14

(*Genocide*)

Whoever, with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, commits one of the following acts:

- a) kills members of the group;
- b) deliberately inflicts upon members of the group conditions of life such as to bring about the physical destruction of the group, in whole or in part;
- c) causes serious bodily or mental harm to members of the group;
- d) imposes measures intended to prevent births within the group;
- e) forcibly transfers minors of the group to another group.

is punished with thirty to thirty-five years imprisonment in the cases set forth in subparagraphs a) and b), and with no less than fifteen years imprisonment in the cases set forth in subparagraphs c), d) and e).

Article 15

(*Other crimes against humanity*)

Whoever, as part of a widespread or systematic attack directed against the civilian population, commits one of the following acts:

- a) murder;
- b) extermination;
- c) enslavement;
- d) deportation or forcible transfer of population;
- e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- f) torture;
- g) rape, sexual slavery, enforced prostitution, enforced sterilization, or any other form of sexual violence of equal gravity;
- h) persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, sex, or other grounds that are universally recognized as impermissible under international law;
- i) enforced disappearance of persons;
- j) apartheid;
- k) other inhumane acts designed to cause intentionally great suffering, or serious injury to body or to mental or physical health;

is punished with thirty to thirty-five years imprisonment in the cases set forth in subparagraphs a) and b), and with no less than fifteen years imprisonment in the cases set forth in subparagraphs c), d), e), f), g), h), i), j), and k).

CHAPTER IV

WAR CRIMES

Article 16

(Definitions)

For the purposes of this chapter:

- a) “*international armed conflict*” means a declared war or a conflict between two or more States, even if the state of war is not recognized by one of them; the cases of partial or total occupation of the territory of a State, even if the occupation meets with no armed resistance; and the cases in which a people is fighting against colonial domination, alien occupation or a racist regime in the exercise of its right of self-determination recognized by International law.

- b) “*non-international armed conflict*” means the armed conflict which take place in the territory of a State between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of territory as to enable them to carry out sustained and concerted military operations and to observe international humanitarian law, excluding however situations of internal disturbances and tensions, riots, isolated and sporadic acts of violence and other acts of a similar nature.
- c) “*protected person*” means a person taking no active part in the hostilities protected by the Geneva Convention including the civilians, religious and medical personnel, the members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause;
- d) “*Geneva Conventions*” means the First Geneva Convention, for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949; the Second Geneva Convention, for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of 12 August 1949; the Third Geneva Convention, relative to the Treatment of Prisoners of War, of 12 August 1949; the Fourth Geneva Convention, relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; the First Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, of 8 June 1977; and the Second Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, of 8 June 1977.

Article 17

(War Crimes)

Whoever, in the course of an armed conflict, whether of an international character or not, commits or orders someone to commit one of the following acts:

- a) intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- b) intentionally directing attacks against civilian objects which are not military objectives including attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
- c) pillaging a town or place, even when taken by assault;
- d) intentionally launching attacks in the knowledge that such attacks will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- e) declaring that no quarter will be given;
- f) killing one or more protected persons;
- g) killing or wounding treacherously individuals belonging to the hostile nation or army;

- h) torturing, causing intentionally great suffering or serious injury to the body or health of one or more protected persons, including subjecting one or more protected persons to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest;
- i) committing outrages upon the personal dignity of a person by inflicting humiliating and degrading treatments, including rape or sexual slavery, enforced prostitution, enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
- j) taking one or more protected persons as hostages;
- k) ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand, including the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- l) deporting or transferring or confining unlawfully one or more protected persons;
- m) compelling one or more protected persons to serve in the armed forces of a hostile Power, including compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- n) employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate, in violation of the international law of armed conflict, including bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions, antipersonnel mines and cluster munitions.
- o) employing poison or poisoned weapons, asphyxiating, poisonous or other similar gases, biological weapons, and all analogous liquids, materials or devices;
- p) intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including by willfully impeding relief supplies as provided for under the Geneva Conventions;
- q) utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
- r) intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- s) destroying or seizing the enemy's property unless such destruction or seizure are demanded by the necessities of war;

- t) intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law, or that are being used in a humanitarian assistance or peacekeeping mission, in so far as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflicts;
- u) making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
- v) conscripting or enlisting minors under the age of fifteen years into the national armed forces or using them to participate actively in hostilities;
- w) willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial including passing and executing sentences without a previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable;
- x) declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;

is punished with no less than twenty years imprisonment.

CHAPTER V

TERRORISM AND SUBVERSION

Article 18

(Definitions)

1. For the purposes of the criminal law:

- a) “*acts performed for terrorist purposes*” means those acts intended to cause death or serious bodily injury to civilians or to persons not taking active part in hostilities in cases of armed conflict, when the act, by its nature or context, is carried out with the intent to:
 - i. intimidate a population;
 - ii. compel the public authorities or an international organization to do or to abstain from doing any act;
- b) “*acts performed for subversive purposes*” means those acts intended to cause death or serious bodily injury to civilians or to persons not taking active part in the hostilities in a situation of armed conflict, when the purpose of such acts, by its nature or context, is to destabilize the fundamental political, constitutional, economic and social structure of a State or of an international organization;
- c) “*explosive or other lethal weapons or devices*” means:
 - i. any weapon or explosive or incendiary device, that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage;

- ii. any weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or of radiation or radioactive material;
 - d) “*military forces of a State*” means the armed forces that a State organizes, trains and equips under its internal law for the primary purpose of national defense or security as well as the persons acting in support of those armed forces who are under their formal command, control and responsibility;
 - e) “*armed forces during an armed conflict*” means the military forces of a State and dissident armed forces or other organized armed groups that take part in an international or a non-international armed conflict which, under responsible command, exercise such control over a part of the territory as to enable them to carry out sustained and concerted military operations and to observe international humanitarian law.
2. The terrorist or subversive purposes exist even when the violent acts are directed against another State, against an international institution or organization, or when they are committed in the territory of another State.
 3. The offence does not exist when the acts foreseen in this section are undertaken by armed forces during an armed conflict or by the military forces of a State in the exercise of their official duties, in accordance with international law.

Article 19

(Association for terrorist or subversive purposes)

1. Whoever promotes, creates, organizes, or directs a group that intends to commit acts for terrorist or subversive purposes, is punished with five to fifteen years imprisonment.
2. Whoever participates intentionally in the group, or actively participates in its criminal activities or in other activities of the group, or contributes to the group or to its activities in any way, directly or indirectly, even if through connected groups, in the knowledge that his participation or contribution aids the achievement of the criminal aims of the group, is punished, by the mere fact of his participation or contribution, with four to ten years imprisonment.
3. The provisions of article 248, paragraphs 3, 5, 6 and 7 shall apply to the offence set forth in this article.

Article 20

(Assistance to the members)

1. Unless it constitutes a more serious offence or participation in the offence as an accomplice or as an accessory after-the-fact, whoever provides refuge, food, shelter, transportation or means of communication to a person who forms part of a group referred to in article 19, is punished with three to six years imprisonment.

2. The penalty is increased if the assistance is provided for an extended period of time.

Article 21

(Recruitment and training for terrorist or subversive purposes)

1. Whoever recruits one or more persons to commit acts for terrorist or subversive purposes, or to sabotage essential public facilities or services, is punished with the penalty set forth in article 19, paragraph 1.
2. Whoever, outside the cases foreseen in article 19, trains or otherwise provides information on the preparation or use of an explosive or other lethal weapon or device, or on any other technique or method to commit acts for terrorist or subversive purposes, or to sabotage essential public facilities or services, is punished with three to ten years imprisonment. The same penalty applies to whoever receives the training.
3. If the person recruited or trained is a minor, the penalty is increased. Instead, in relation to the minor, if punishable, the penalty is reduced.

Article 22

(Attack for terrorist or subversive purposes)

1. Whoever endangers the life or health of one or more persons by committing an act for terrorist or subversive purposes, is punished with at least ten years imprisonment.
2. When the conduct foreseen in paragraph 1 causes:
 - a) the death of one or more persons, the guilty person is punished with no less than twenty-five years imprisonment.
 - b) serious or grave injury one or more persons, the guilty person is punished with at least fifteen years imprisonment.

Article 23

(Financing of terrorism)

1. Whoever, directly or indirectly, collects, provides, deposits or holds currency, funds or other assets, however obtained, with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to:
 - a) commit one of the offences set forth in articles 19, 20, 21, 22, 24, 26, 27, 28, 29, 30, 32, 33, 34 and 39 of this law;
 - b) commit or abet the commission of one or more acts for terrorist purposes;is punished, regardless of whether those funds or assets are used to commit or to attempt to commit those acts, with five to fifteen years imprisonment.
2. The offence exists whether the acts are directed to finance groups or whether they are directed to finance one or more natural persons.

3. The same penalty, reduced by a third, applies to whoever finances the subjects included in the list of those who threaten international peace and security approved to this end. The offence does not exist if the provision of funds or assets occurs in the course of an emergency humanitarian or charitable operation, and insofar as the goods provided are those strictly indispensable to fulfill of the basic needs of the beneficiaries.

Article 24

(Kidnapping for terrorist or subversive purposes)

1. Whoever performs the conduct set forth in article 146 of the Criminal Code for terrorist or subversive purposes, is punished with seven to fifteen years imprisonment and with a fine of no less than 25,000 euro.
2. To this offence apply, to the extent they are compatible, the provisions of article 146, paragraphs 4 and 5, of the Criminal Code.
3. The offence that is committed in order to coerce the State or the Holy See is punished in accordance with Vatican Law even if it is perfected or attempted abroad.

CHAPTER VI

CRIMES WITH EXPLOSIVE DEVICES

OR CONCERNING NUCLEAR MATERIALS

Article 25

(Definitions)

1. For the purposes of the criminal law:
 - a) “*place of public use*” means those parts of any building, land, street, waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, for a commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar use, that is so accessible or open to the public;
 - b) “*public or government facility*” means any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of the government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization, in connection with their official duties;
 - c) “*public transportation system*” means all facilities, conveyances and instrumentalities, whether publicly or privately owned, that are used in publicly available services for the transport of persons or cargo;
 - d) “*infrastructure facility*” means any publicly or privately owned facility providing services for the benefit of the public, such as water, sewage, energy, fuel or communications.

- e) “*nuclear material*” means plutonium, except that with isotopic concentration exceeding 80 per cent in plutonium-238; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue; as well as any material containing one or more of aforementioned isotopes.
2. The offence does not exist when the acts foreseen in this section are undertaken by armed forces during an armed conflict or by the military forces of a State in the exercise of their official duties, in accordance with international law.

Article 26

(Acts of terrorism or subversion with explosive devices)

Unless it constitutes a more serious offence, whoever performs an act for a terrorist or subversive purpose, directed to damage public or private movable or immovable goods, using explosives or other lethal weapons or devices, is punished with two to five years imprisonment and with a fine of no less than 15,000 euro.

Article 27

(Use of explosive devices)

1. Whoever delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a government facility, a public transportation system or an infrastructure facility:
- a) with the intent to cause death or serious bodily injury, is punished with no less than fifteen years imprisonment;
 - b) with the intent to cause extensive destruction of such place, facility or system, where such destruction results in or is likely to result in major economic loss, is punished with seven to twelve years imprisonment.
2. When the conduct foreseen in paragraph 1 causes:
- a) the death of one or more persons, the guilty person is punished with thirty to thirty-five years imprisonment.
 - b) serious or grave injury to one or more persons, the guilty person is punished with no less than twenty years imprisonment.
3. If the offence is committed for terrorist or subversive purposes, the penalty set forth in paragraph 1 is increased, and the penalty set forth in paragraph 2, subparagraph b), is replaced by the penalty of thirty to thirty-five years imprisonment.

Article 28

(Handling of nuclear materials)

Whoever, without lawful authority, receives, possesses, uses, transfers, alters, disposes or disperses nuclear material in such a manner that it causes or is likely to cause:

a) death or serious bodily injury to any person;

b) substantial damage to property;

is punished, in the case foreseen in subparagraph a), with no less than fifteen years imprisonment, and, in the case foreseen in subparagraph b), with seven to twelve years imprisonment.

Article 29

(Misappropriation of nuclear materials)

1. Whoever steals, subtracts or misappropriates nuclear materials is punished with four to ten years imprisonment.
2. Whoever fraudulently obtains nuclear materials through threats, force or other forms of intimidation, is punished with five to twelve years imprisonment.

Article 30

(Intimidation with nuclear material)

1. Whoever threatens to use nuclear materials to cause death or serious injury to any person or substantial property damage, is punished with four to ten years imprisonment.
2. Whoever commits the offence set forth in paragraph 1 to compel someone to do or to abstain from doing any act, is punished with five to twelve years imprisonment.
3. If the offence is committed to compel a State or an international organization, the penalty is increased.
4. The offence that is committed in order to compel the State or the Holy See, is punished in accordance with Vatican Law even if it is perfected or attempted abroad.

CHAPTER VII

CRIMES AGAINST THE SAFETY OF MARITIME NAVIGATION,

CIVIL AVIATION, AIRPORTS AND FIXED PLATFORMS

Article 31

(Definitions)

For the purposes of this article:

- a) “*ship*” means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, and any other floating craft, but excluding warships, ships owned or operated by a State when used as a naval auxiliary or for customs or police purposes, and ships that have been withdrawn from navigation or laid up;

- b) “*aircraft in flight*” means any aircraft from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; in case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for the persons and property on board;
- c) “*aircraft in service*” means any aircraft from the beginning of the preflight preparation of the aircraft by ground personnel or by the crew of a specific flight until twenty-four hours after any landing; the period of service extends, in any event, for the entire period in which the aircraft is in flight, as defined in paragraph b) of this article.
- d) “*fixed platform*” means an artificial island, installation or structure permanently attached to the sea-bed for the purposes of exploration or exploitation of resources or for other economic purposes.

Article 32

(Crimes against the safety of maritime navigation and civil aviation)

1. Whoever seizes or exercises control, by force or threat, over a ship or an aircraft in flight, is punished with seven to fourteen years imprisonment.
2. Whoever destroys a ship or an aircraft in service, is punished with at least fifteen years imprisonment.
3. Unless it constitutes a more serious offence, whoever performs one of the following acts:
 - a) an act of violence against a person on board of a ship or an aircraft in flight;
 - b) causes damage to a ship or to an aircraft in service, or to their cargo;
 - c) places or causes to be placed on a ship or on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy or to cause damage to that ship or aircraft or to its cargo;
 - d) destroys or damages maritime or aerial navigational facilities or services or interferes with their operation;
 - f) communicates information which he knows to be false;is punished, when such an act, by its nature, endangers or is like to endanger the safety of maritime navigation or civil aviation, with five to ten years imprisonment.
5. When the act foreseen in this article, either perfected or attempted, causes:
 - a) the death of one or more persons, the guilty person is punished with thirty to thirty-five years imprisonment;
 - b) serious bodily injury to one or more persons, the penalty for bodily injury is added to the penalty set forth in this article.

5. Without prejudice to the cases of participation in the offence, whoever instigates someone to commit or threatens to commit one of the offences set forth in this article, is punished with three to six years imprisonment.
6. The offences set forth in this article are punished pursuant to Vatican law if the aircraft on board which the offence is committed lands in the territory of the State while the alleged offender is still onboard; as well as when the offence is committed on board an aircraft leased without crew to a citizen of the State, or to a person who has his domicile in the territory of the State.

Article 33

(Crimes against the security of airports)

1. Whoever, by performing an act that endangers or is likely to endanger the safety of an airport, using any sort of device, substance or weapons:
 - a) commits, at an airport serving international civil aviation, an act of violence against a person which causes or which is likely to cause serious injury or death, is punished with five to ten years imprisonment;
 - b) destroys or seriously damages the facilities of an airport serving international civil aviation or aircraft not in service located in the airport, or disrupts the services of the airport, is punished with four to eight years imprisonment.
2. When the conduct foreseen in this article, either perfected or attempted, causes:
 - a) the death of one or more persons, the guilty person is punished with thirty to thirty-five years imprisonment;
 - b) serious bodily injury to one or more persons, the penalty for bodily injury is added to the penalty set forth in this article.
3. Without prejudice to the cases of participation in the offence, whoever instigates someone to commit or threatens to commit one of the offences set forth in this article, is punished with three to six years imprisonment.

Article 34

(Crimes against the safety of fixed platforms)

1. Whoever seizes or exercises control, by force or threat, over a fixed platform, is punished with six to twelve years imprisonment.
2. Whoever destroys a fixed platform is punished with no less than twelve years imprisonment.
3. Unless it constitutes a more serious offence, whoever performs one of the following acts:
 - a) an act of violence against a person on board a fixed platform;
 - b) causes damage to a fixed platform;

- c) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or to damage it;
- is punished, when such an act, by its nature, endangers or is like to endanger the safety of a fixed platform, with four to eight years imprisonment.
4. When the conduct foreseen in this article, either perfected or attempted, causes:
- a) the death of one or more persons, the guilty person is punished with thirty to thirty-five years imprisonment;
 - b) serious bodily injury to one or more persons, the penalty for bodily injury is added to the penalty set forth in this article.
5. Without prejudice to the cases of participation in the offence, whoever instigates someone to commit or threatens to commit one of the offences set forth in this article, is punished with three to six years imprisonment.

Article 35

(Common provisions)

1. The instigation, the threat and the attempt of one of the offences set forth in articles 32, 33 and 34, even if committed abroad, in whole or in part, are punished pursuant to Vatican law insofar as the offence that was instigated, threatened or attempted has been committed or should have been committed in the territory of the State, as understood under article 3 of the Criminal Code, or against, or on board of an aircraft or a fixed platform of the State or of the Holy See.
2. If the offence is committed for terrorist or subversive purposes, the penalty is increased.

Article 36

(Piracy)

The kidnapping, depredation, and any other act of violence committed for private ends by the crew or the passengers of a private ship or aircraft and directed against another ship or aircraft or against the persons or cargo on board, is punished with ten to twenty years imprisonment.

Article 37

(Criminal responsibility of the Captain)

At the beginning of the text of **article 30** of the Decree n. LXVII, of 15 September 1951, are added the following words: “*Unless it constitutes a more serious offence,*”.

CHAPTER VIII

CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS

Article 38

(Definitions)

For the purposes of this chapter, “*internationally protected person*” means:

- a) a Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of his own State, whenever he is outside the territory of his own State, as well as members of his family who accompany him;
- b) a Head of Government or a Minister for Foreign Affairs, whenever he is outside the territory of his own State, as well as members of his family who accompany him;
- c) a representative or official of a State or of the Holy See as well as any other official or agent of an international organization of an intergovernmental character who, at the time when and in the place where an offence against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family living with him.

Article 39

(Crimes)

1. Whoever causes the death of an internationally protected person is punished with no less than twenty-one years imprisonment.
2. Whoever causes a bodily injury to an internationally protected person is punished with three to six years imprisonment. If the injury caused is serious, the penalty shall be of four to eight years imprisonment. If the injury is of the outmost gravity, the penalty shall be of six to twelve years imprisonment.
3. Whoever kidnaps or otherwise deprives an internationally protected person of his personal freedom is punished with five to ten years imprisonment.
4. Unless it constitutes a more serious offence, whoever endangers the person or personal freedom of an internationally protected person through a violent act upon his official premises, private accommodation or means of transport, is punished with four to eight years imprisonment.
5. Whoever threatens to commit one of the offences set forth in this article is punished with one to four years imprisonment.

Article 40

(Crimes committed abroad)

1. The offences set forth in this chapter, committed against a person who enjoys the status of internationally protected person by virtue of functions which he exercises on behalf of the State or of the Holy See, are punished pursuant to Vatican law even if committed abroad.

2. The instigation, the threat and the attempt to commit one of the offences set forth in this chapter, even if committed abroad, in whole or in part, are also punished pursuant to Vatican law insofar as the offence that was instigated, threatened or attempted has been committed or should have been committed in the territory of the State, as understood under article 3 of the Criminal Code.

CHAPTER IX

CRIMES CONCERNING NARCOTIC DRUGS

AND PSYCHOTROPIC SUBSTANCES

Article 41

(Definition of narcotic drugs and psychotropic substances)

For the purposes of this chapter:

- a) “*narcotic drug*” means any of the substances, natural or synthetic, in Tables I and II of the Single Convention on Narcotic Drugs, of 1961, as amended by its 1972 Protocol, as well as any other substance contained in a list that may be approved to this end by the Pontifical Commission of the Vatican City State;
- b) “*psychotropic substance*” means any substance, natural or synthetic, or any natural material in Schedules I, II, III and IV of the 1971 Convention on Psychotropic Substances, as well as any other substance contained in a list that may be approved to this end by the Pontifical Commission of the Vatican City State;
- c) “*Table I*” and “*Table II*” mean the lists of substances annexed to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Convention, of 1988, as subsequently amended.

Article 42

(Illicit production, trafficking and possession of narcotic drugs and psychotropic substances)

1. Whoever, without having been authorized, cultivates, produces, manufactures, extracts, refines, sells, offers or offers in sale, cedes, distributes, brokerages, transports, supplies, sends, conveys or dispatches in transit, or delivers for any purpose, narcotic drugs and psychotropic substances, as well as whoever cultivates the opium poppy, the coca bush or the cannabis plant, for the production of narcotic drugs, is punished with six to twenty years imprisonment and with a fine of 26,000 to 260,000 euro.
2. The same penalty applies to whoever possesses or purchases narcotic drug or psychotropic substance in view of any of the activities foreseen in paragraph 1, as well as to whoever manufactures, transports or distributes of equipment, materials or substances listed in Table I or in Table II, knowing that they are to be used in or for the illicit cultivation, production or manufacture of narcotic drugs or psychotropic substances.

3. Whenever the facts foreseen in this article are of minor import, due to the means, mode or circumstances of the offence, or the quality or quantity of the substances involved, the penalty shall be of one to six years imprisonment and a fine of 3,000 to 26,000 euro.
4. Whenever the quantity of the substances indicates that they were destined solely for personal use, the penalty shall be of one month to one year imprisonment and a fine up to 1,000 euro.
5. The penalty shall be increased if three or more persons participate in the commission of the offence.
6. The penalties set forth in this article are reduced by one-half to two-thirds for whoever acts effectively to prevent the furtherance of the criminal activity, including by providing concrete assistance to the judicial authorities in seizing the resources used for the commission of the offence.

Article 43

(Association for the illicit trafficking in narcotic drugs or psychotropic substances)

1. When three or more persons concur to commit more than one of the offences set forth in article 42, whoever promotes, creates, directs, organizes or finances such a group is punished, just by that fact, with no less than twenty years imprisonment.
2. Whoever participates in such a group is punished with no less than ten years imprisonment.
3. The penalty shall be increased if the group has ten or more members or if some of them are addicted to the use of narcotic drugs or psychotropic substances.
4. In the cases foreseen in paragraph 1, if the group uses arms, the penalty is of no less than twenty-four years imprisonment. A group is deemed to use arms if the members have access to explosives or other lethal weapons or devices to attain the ends of the group, even if they are concealed or stored.
5. The penalties set forth in this article are reduced by one-half to two-thirds for whoever acts effectively, including by providing concrete assistance to the judicial authorities, to obtain evidence of the offence or to deprive the group of resources indispensable for the commission of the offence.

Article 44

(Aggravating circumstances and confiscation)

1. The penalties foreseen for the offences set forth in article 42 are increased from one-third to one-half:
 - a) when the narcotic drugs or psychotropic substances are delivered or otherwise destined to a minor;
 - b) for whoever has induced a person addicted to narcotic drugs or psychotropic substances to commit the offence or to abet its commission;

- c) if the offence has been committed by an armed or disguised person;
 - d) if the narcotic drugs or psychotropic substances have been adulterated or mixed with other substances so that their potential to cause harm is increased.
2. If the crime involves large quantities of narcotic drugs or psychotropic substances, the penalty are increased from one-half to two-thirds.
 3. The judicial authorities shall order the confiscation and destruction of the narcotic drugs or psychotropic substances, unless where article 35, paragraph 4 of the Criminal Code applies.

Article 45

(Abusive medical prescriptions)

1. The penalties set forth in article 42 apply also to the medical doctor who prescribes narcotic drugs and psychotropic substances when they are not required for therapeutic purposes.
2. The offence set forth in article 42 does not exist in relation to the purchase of narcotic drugs and psychotropic substances by pharmacies, and to their acquisition, sale and delivery, in the form and dosage of medicines, on the basis of medical prescriptions.

CHAPTER X

ADMINISTRATIVE LIABILITY OF LEGAL PERSONS ARISING FROM CRIMES

Article 46

(Liability of legal persons)

1. A legal person is liable for the offences committed in its favour or to its benefit by:
 - a) persons holding positions representing, managing or directing the entity or one of its units having financial and functional autonomy, as well as by persons who manage or control, even *de facto*, the entity;
 - b) by persons subject to the direction or supervision of one of the subjects referred to in subparagraph a).
2. The legal person is not liable if the subjects referred to in paragraph 1 have operated exclusively to their own benefit or in favour of a third party.
3. If the offence is committed by one of the subjects referred to in paragraph 1, subparagraph a), the legal person is not liable if it proves that:
 - a) the directing organ adopted and implemented effectively, before the commission of the offence, structural and managerial models apt to prevent offences such as the one that has been committed;
 - b) the responsibility of supervising the operation and implementation of the said models and of ensuring their continuous review has been delegated to an organism having autonomous powers of action and control;

- c) the subjects have committed the offence by evading fraudulently the said structural and managerial models; and,
 - d) the organism referred to in subparagraph b) has not omitted or exercised insufficient supervision.
4. The confiscation of the goods of the legal person that were used or that were intended to be used to commit the offence, as well as its proceeds, profits, their value and other benefits, even of an equivalent value, is always ordered.
 5. The liability of the legal persons subsists even if:
 - a) the author of the offence is not identified or is not imputable;
 - b) the offence becomes extinguished for a reason other than an amnesty.
 6. The provisions of this chapter do not apply to public authorities.
 7. In those instances where the tribunals have jurisdiction over offences committed outside the territory of the State, the legal persons having their corporate seat in the State may also be liable for the offences committed abroad.

Article 47

(Kinds of administrative sanctions)

1. The judge shall determine which administrative sanctions are to be applied in the case of administrative liability arising from crimes.
2. Without prejudice to other sanctions foreseen by the law, the judge may apply the following sanctions:
 - a) pecuniary sanctions, consisting in the payment of a certain sum of money;
 - b) temporary or permanent interdiction of the exercise of certain activity;
 - c) suspension or withdrawal of an authorization, license or concession, as well as the interdiction of entering into public contracts;
 - d) confiscation.
3. In determining the amount or the duration of an administrative sanction set forth by the law within a certain range, due consideration is given to the seriousness of the offence, the degree of responsibility of the legal person, and to the activities undertaken to remove or lessen the consequences of the facts and to prevent the commission of further offences, as well as to the financial and patrimonial condition of the legal person.
4. If the law does not pre-establish the amount of the pecuniary sanction, it shall be set within a minimum of 5,000 euro and a maximum of 200,000, having due consideration for the criteria set forth in the preceding paragraph.

5. Without prejudice to any different limits set forth by the law, the temporary sanctions referred to in subparagraphs b) and c) of paragraph 1 shall last no less than six months nor more than three years.

Article 48

(Conditions for the reduction of the pecuniary sanctions)

The pecuniary sanction shall not exceed 50,000 euro if:

- a) the author of the offence has committed it mainly to his own benefit or in favour of a third party and if the legal person has received no benefit or just a negligible one;
- b) the patrimonial damage was minimal;
- c) the legal person has fully compensated the damage and has removed the harmful or dangerous consequences of the offence or has, in any case, operated effectively to that end; and,
- d) a structural model apt to prevent offences such as the one that has been committed has been adopted and made operational.

Article 49

(Application of the interdictive sanctions)

1. The interdictive sanctions referred to in article 47, paragraph 2, subparagraphs b) and c), are applied when at least one of the following conditions occur:
 - a) if the legal person has received a substantial profit from the offence and if it has been committed by subjects at the head of the entity or by persons subject to the direction of others, if such offence has been determined or facilitated by serious organizational defects;
 - b) in case of repeated offences.
2. The interdictive sanctions referred to in paragraph 1 shall last no less than three months nor more than two years.
3. The permanent interdiction of the exercise of a certain activity may be imposed if the legal person has received a substantial profit from the offence and if it has been punished at least twice in the preceding ten years with the temporary interdiction of the exercise of the said activity.
4. The judge may impose a permanent interdiction of entering into public contracts if the legal person has been punished with the temporary interdiction to enter into public contracts at least twice in the preceding ten years.

Article 50

(Procedural norms)

1. The judge competent to decide on the administrative liability of legal persons is the criminal judge competent over the offence from which it arises.

2. In the procedure to determine the administrative liability of legal persons arising from an offence, the procedural norms applicable to the criminal offence from which the administrative wrong arises shall be observed.
3. The determination of the administrative liability of legal persons arising from an offence shall not proceed if the criminal prosecution of the author of the offence cannot be initiated or continued because an essential condition for its admissibility is missing.
4. Insofar as they are compatible, the procedural norms applicable to the defendant are applied to the legal person.
5. The legal person that intends to take part in the criminal procedure shall deposit, at the chancery of the judicial authority, a declaration containing, for its validity, at least the following information:
 - a) the denomination of the legal person and the identifying information of its legal representative;
 - b) the name and surname of its defending advocate as well as his mandate;
 - c) the signature of the defending advocate;
 - d) a statement or choice of its legal address.

Article 51

(Common provisions)

The administrative liability set forth in this chapter is governed by the general norms on the division of payments into installments, prescription and transfer of proceeds applicable to administrative sanctions.

CHAPTER XI

CONCLUDING PROVISIONS

Article 52

(Extradition)

None of the offences set forth in this law shall be deemed a fiscal offence, a political offence, an offence connected with a political offence, or an offence inspired by political motive, for the purposes of refusing an extradition request.

Article 53

(Assistance to the victims)

The goods confiscated following a conviction for any of the offences set forth in this law may be devoted, in whole or in part, to compensate the victims or to repair the damages incurred.

Article 54

(Abrogation)

From the moment of entry into force of the present law, the following provisions are abrogated.

- a) articles 138 *bis*, 138 *ter*, 138 *quater*, 138 *quinquies*, 138 *sexies*, 138 *septies*, 145 *bis*, 311 *bis*, 326 *bis*, 326 *ter*, 326 *quater*, and 326 *quinquies* of the Criminal Code;
- b) articles 1, n. 6, 7, e 9; 4 *bis*, 5, 6, 7, 8, 14, 20, 21, 22, 23, and 23 *bis* of Law of 30 December 2010, n. CXXVII, *on the Prevention and Countering of the Laundering of the Proceeds of Criminal Activities and the Financing of Terrorism*, and subsequent amendments and additions.

Article 55

(Entry into force)

This Law shall enter into force on **1 September 2013**.

The text of this Law has been submitted to the consideration by the Supreme Pontiff on 1 July 2013.

The original of this Law, provided with the State seal, shall be deposited in the Archives of the Laws of the Vatican City State and the relevant text shall be published in the Supplement of the Acta Apostolicae Sedis, as well as by affixing it at the Cortile di San Damaso, the entrance of the offices of the Governorate and the Post Offices of the State, with the order that all those who are concerned observe it and to ensure its observance.

Vatican City State, **July 11 2013**,

GIUSEPPE Card. BERTELLO

President

Seen

The Secretary General