

XII. ECUADOR²⁴

1. PENAL CODE

CHAPTER III

Offences against State security

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Article 147

Anyone who promotes, leads or takes part in guerrilla organizations, commandos, combat groups or terrorist groups or cells whose purpose is to undermine law and order or to take the place of, attack or interfere with the normal functioning of the public security forces shall be punishable by a prison term of four to eight years and a fine of 1000 to 2000 sucres.

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CHAPTER IV

The offences of sabotage and terrorism

Article 156

Any physician, nurse, pharmacist, medical practitioner, employee of a health establishment or proprietor of a pharmacy or chemist's shop who, against the orders of the competent authority, paralyzes services or refuses to cooperate with those who need such services shall be sentenced to imprisonment for a period of one to five years and a fine of 400 to 800 sucres.

The maximum penalties under this article shall be applied to members of professional organizations who have incited others to commit such acts, if they have in fact been committed.

Article 157

Any person who, in the case of a fire, flood, shipwreck or other disaster, removes, conceals or disables any material object or other life-saving or rescue device or means of combating the danger shall be sentenced to medium-term ordinary imprisonment for a period of three to six years and a fine of 100 to 300 sucres. The same penalty shall be applied to anyone who interferes with services being provided for the same purposes.

²⁴ Transmitted to the Secretariat by that Government on 12 February 1996.

If personal injuries result from the act, the penalty shall be from six to nine years of medium-term ordinary imprisonment and a fine of 1,000 to 3,000 sucres; and if the death of one or more persons results, the penalty shall be long-term extraordinary imprisonment for a period of 12 to 16 years and a fine of 3,000 to 10,000 sucres.

Article 158

Any person who, outside of the cases provided for in this Code, destroys, deteriorates, disables, interrupts or paralyzes public services, industrial or factory installations, shopping centres, ports, canals, dams, mines, gunpowder depots, vehicles or any other transport facility, public or private electric power, drinking water, gas or similar installations or radio, telephone, telegraph or television installations or any other system of transmission, warehouses containing merchandise, explosives, lubricants, fuels or raw material to be used for production or national consumption, or any other type of similar storage facility with the intention of provoking a state of fear in the general public shall be sentenced to long-term ordinary imprisonment for a term of 8 to 12 years and a fine of 1,000 to 2,000 sucres.

If personal injuries result from the act, the penalty shall be the maximum indicated in the previous paragraph; and if the death of one or more persons results, the penalty shall be long-term extraordinary imprisonment for a period of 12 to 16 years and a fine of 2,000 to 5,000 sucres.

Article 159

Any person who, outside of the cases provided for in this Code, impedes, disorganizes or disturbs the collection, production, transport, storage or distribution of raw materials, processed or extracted products, machinery or any other means of production, with the intention of provoking a state of fear in the general public, shall be sentenced to imprisonment for a period of one to three years and a fine of 200 to 500 sucres.

Article 160

Any person who, with the intention of provoking a state of fear in the general public, introduces, manufactures, possesses or provides arms, ammunition, explosives, flammable or asphyxiating substances or other deadly weapons or materials intended to be used to produce such articles shall be sentenced to medium-term ordinary imprisonment for a period of three to six years and a fine of 1,000 to 2,000 sucres.

Reform:

Article 1. Article 160 of the Penal Code shall read:

Any person who, with the intention of provoking a state of fear in the general public or committing offences against the public security of persons and property, using any type of means, instruments or resources, manufactures, provides, acquires, removes, sets off, uses, introduces into the country or possesses arms, ammunition, bombs, radioactive materials, explosives, flammable, asphyxiating or toxic substances or substances or materials intended to be used to produce such articles, shall be sentenced to medium-term ordinary imprisonment for a period of three to six years and a fine of 5,000 to 10,000 sucres.

If personal injuries result from the aforementioned acts, the penalty shall be the maximum indicated in the previous paragraph; and if the death of one or more persons results, the penalty shall be long-term extraordinary imprisonment for a period of 12 to 16 years and a fine of 10,000 to 20,000 sucres.

If the criminal acts exclusively affect property, in addition to the penalty indicated in the first paragraph the offender shall be required to compensate for the damage caused.

Article 2. The following paragraphs shall be added to article 160:

"Any person who, individually or as a member of such associations as guerilla groups, organizations, gangs, commandos, terrorist groups, montoneras (rebel bands) or any other similar group, whether or not armed, and claiming to have patriotic, social, economic, political, religious, revolutionary, vindictive, proselytizing, racial, community- or region-related or other aims, commits offences against the public security of persons or communities of any type, or against their property, whether by assaulting, attacking or destroying buildings, banks, warehouses, shops, markets, offices, etc.; or by raiding or invading houses, apartments, secondary and elementary schools, institutes, hospitals, clinics, convents, public security or police, military or paramilitary installations; or by removing or confiscating property or valuables of any kind and amount; or by abducting persons, vehicles, ships or aircraft to demand ransom, to press for or demand changes in laws or in legally issued orders and provisions or to require the competent authorities to release persons being tried or sentenced for common or political offences, etc.; or by occupying, through threat or intimidation, public or private places or services of any nature or type; or by raising barricades, parapets, fences or other obstacles for the purpose of blocking the forces of law and order in order to further their own intentions, plans, theses or manifestos; or by in any way attacking the community, its property or services, shall be sentenced to long-term ordinary imprisonment for a period of four to eight years and a fine of 20,000 to 50,000 sucres.

If personal injury results from the above-mentioned criminal acts, the offenders shall be sentenced to the maximum penalty indicated in the previous

paragraph, and, if the death of one or more persons results, the penalty shall be long-term extraordinary imprisonment for a period of 12 to 16 years and a fine of 50,000 to 100,000 sucres.

If the acts referred to in the first paragraph of this article exclusively affect property, the offender or offenders, in addition to the penalty indicated in the first paragraph, shall be required to compensate for the damage they have caused.

(Supreme Decree 1273, Official Register 705; 19-XII-74).

Reform:

Article 11. In the second paragraph of article 160 established by Decree No. 1273 of 9 December 1974, published in Official Register No. 705 of 19 December 1974, for the words "long-term extraordinary imprisonment for a period of 12 to 16 years" read "long-term special imprisonment of from 16 years and one day to 25 years" and for "10,000 to 20,000 sucres" read "20,000 to 50,000 sucres".

Article 12. In the second paragraph of article 2 of Decree No. 1273, referred to in the previous paragraph, for the words "long-term extraordinary imprisonment for a period of 12 to 16 years", read "long-term special imprisonment of from 16 years and one day to 25 years".

(Supreme Decree 2636, Official Register 621: 4-VII-78).

Replacement:

Article 2. The first paragraph of article 160 of the Penal Code, established by Supreme Decree No. 1273 of 9 December 1974 and published in Official Register No. 705 of 19 December 1974, shall be replaced by the following paragraph:

"Any person who, with the intention of committing offences against the public security of persons and property, manufactures, provides, acquires, removes, sets off, uses or introduces into the country arms, ammunition, bombs, explosive, asphyxiating or toxic substances or substances or materials intended to be used to produce such articles shall be sentenced to medium-term imprisonment for a period of three to six years and a fine of 5,000 to 10,000 sucres."

(Decree Law, Official Register 36: 1-X-79).

Article 161

Any person who, without justification, enters offices to which the public or individuals have been denied access, or military or police bases, ships, aircraft, transports, barracks, factories or depots or, in general, security zones established

by the competent authority shall be sentenced to imprisonment for a period of six months to two years and a fine of 500 to 1,000 sucres".

If personal injuries result from the act, the penalty shall be medium-term ordinary imprisonment for a period of three to six years and a fine of 2,000 to 5,000 sucres, and if the death of one or more persons results, the penalty shall be long-term extraordinary imprisonment for a period of 12 to 16 years and a fine of 5,000 to 10,000 sucres.

Article 162

Individuals who, without the necessary permit and without due explanation, bear arms intended for use by the military or police shall be sentenced to imprisonment for a period of six months to one year and a fine of 100 to 500 sucres.

Article 163

Any person who gives or receives military instruction without permission from the competent authority shall be sentenced to imprisonment for a period of six months to one year and a fine of 400 to 800 sucres.

Article 164

Terrorist aggression, provided that the act does not constitute a more serious offence, perpetrated against government officials or employees or against their property shall be sentenced to medium-term ordinary imprisonment for a period of three to six years and a fine of 1,000 to 2,000 sucres.

If personal injuries result, the penalty shall be medium-term imprisonment for a period of six to nine years and a fine of 1,000 to 5,000 sucres. If the death of one or more persons results, the penalty shall be long-term extraordinary imprisonment for a period of 12 to 16 years and a fine of 3,000 to 10,000 sucres.

Article 165

In cases not provided for in this Code, terrorist threats, by whatever means, shall be punished by imprisonment for a period of three months to one year and a fine of 100 to 500 sucres.

Article 166

Where the offences provided for in this chapter were committed by foreigners who have become naturalized in Ecuador, in addition to the penalty imposed, their naturalization card shall be cancelled and they shall be expelled from the country after they have served their sentence.