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General Assembly



United Nations

Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime

I.

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A/AC.254/22

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**B.**



A/AC.254/22

*Trial procedure.* In Colombia, the seriousness of an offence is determined by the interests

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~~certainty of the trial procedure. In Colombia, the seriousness of an offence is determined by the interests~~

Some countries have not yet fully implemented the measures necessary to ensure that their legal systems are able to handle the large number of cases arising from the conflict. Other countries have not yet fully implemented the measures necessary to ensure that their legal systems are able to handle the large number of cases arising from the conflict.

**D.**

**III.**

## Annex

### A. Terms of imprisonment prescribed for the offences of murder, rape, assault, abduction, theft, robbery, burglary, handling stolen property and extortion, by country

Country	Statutory distinction made between serious and other offences	Serious offences	Murder	Rape	Assault (bodily harm)	Abduction	Theft	Robbery	Burglary	Handling stolen property	Extortion (intimidation, blackmail)
Austria	X	Maximum imprisonment of more than 3 years	Up to 20 years or life		Up to 5 or 10 years	Up to 10 years	Up to 5 or 10 years	Up to 5, 10, 15, 20 years or life (depending on seriousness)		Up to 5 years	Up to 5 years
Belarus <sup>a</sup>	N/A	N/A				4-8 years or 7-10 years <sup>b</sup>				Up to 2 years (corrective labour) or a fine or public reprimand or imposition of community service	

<sup>a</sup> Belarus is currently drafting a new criminal code. The information in this annex refers to the provisions of the Criminal Code presently in force.

<sup>b</sup> If the same offence is committed (a) repeatedly; (b) on the basis of a prior agreement by a group of persons; (c) in respect of a minor; (d) in respect of two or more persons; (e) with the use of force, endangering the life or physical integrity of the victim; (f) with the use of force; or (g) by an organized group.

Country	Statutory distinction made between serious and other offences	Serious offences	Murder	Rape	Assault (bodily harm)	Abduction	Theft	Robbery	Burglary	Handling stolen property	Extortion (intimidation, blackmail)
Bulgaria <sup>c</sup>	X	Imprisonment of more than 5 years				3-10 years (committed by two or more persons)	1-10 years (committed by two or more persons)	5-15 years (committed by two or more persons)			2-8 years (committed by two or more persons)
Canada	-	Maximum imprisonment of 2 years to life imprisonment <sup>d</sup>									
China	-	No distinction <sup>e</sup>	Minimum 10 years or life or capital punishment; or 3-10 years (minor)	3-10 years; or 10 years or life or capital punishment (depending on severity)	Up to 3 years; or 3-10 years; or minimum 10 years or life or capital punishment (depending on severity)	10 years to life imprisonment; or capital punishment (if a victim dies)	Up to 3 years and a fine; or 3-10 years and a fine; or minimum 10 years or life and a fine or confiscation of property or capital punishment	3-10 years or fine; or minimum 10 years to life or capital punishment and a fine or confiscation of property			

<sup>c</sup> Under the Bulgarian Penal Code, more severe punishment is imposed if an offence is committed by two or more persons or if the perpetrator belongs to or leads a criminal organization.

<sup>d</sup> There is also a distinction in trial procedure between serious (“indictable”) offences and non-serious (“summary”) offences.

<sup>e</sup> Under Chinese criminal law, if the maximum imprisonment is not more than 3 years, a perpetrator may be exempted from investigation for criminal responsibility.

Country	<i>Statutory distinction made between serious and other offences</i>		<i>Murder</i>	<i>Rape</i>	<i>Assault (bodily harm)</i>	<i>Abduction</i>	<i>Theft</i>	<i>Robbery</i>	<i>Burglary</i>	<i>Handling stolen property</i>	<i>Extortion (intimidation, blackmail)</i>
	<i>Serious offences</i>	<i>distinction</i>									
Colombia	-	No distinction <sup>f</sup>	25-40 years or 40-60 years (aggravated)	8-20 years		6-25 years	1-6 years or 2-8 years (aggravated)				
Costa Rica	-	No distinction									
Croatia	-	Maximum imprisonment of more than 5 years <sup>g</sup>									
Cyprus	X	Imprisonment of 3 years or more	Up to life imprisonment	Up to life imprisonment	Up to 7 years	Up to 7 years		Up to 14 years	Up to 7 years		
Denmark	-	No distinction									
Dominica	X	Minimum imprisonment of 3 years or capital punishment								5 years and fine	
Ecuador	N/A	N/A									

<sup>f</sup> In Colombia, there is no official distinction between serious and non-serious offences. However, the seriousness of offences is inferred from the following factors: (a) whether conditional release or house arrest is allowed; (b) whether the offence is tried in a regional court (most serious offences are tried in regional courts); (c) whether the offence is aggravated; (d) whether a custodial sentence is imposed; and (e) the extent to which a penalty is imposed and a conditional sentence is allowed.

<sup>g</sup> With regard to very serious offences, the term of imprisonment is 20-40 years.

<i>Country</i>	<i>Statutory distinction made between serious and other offences</i>	<i>Serious offences</i>	<i>Murder</i>	<i>Rape</i>	<i>Assault (bodily harm)</i>	<i>Abduction</i>	<i>Theft</i>	<i>Robbery</i>	<i>Burglary</i>	<i>Handling stolen property</i>	<i>Extortion (intimidation, blackmail)</i>
Fiji	X	Imprisonment of 3 years or more, or capital punishment	Capital punishment	Life imprisonment, with or without corporal punishment	5 years with or without corporal punishment	7 years with or without corporal punishment	5 years	Life imprisonment, with or without corporal punishment	Life imprisonment, with or without corporal punishment	14 years (receiving stolen property)	2 years (misdemeanour) or 10 years (felony)
Finland	-	N/A <sup>h</sup>	Life imprisonment	1-6 years; 2-10 years (aggravated)	Up to 2 years (or a fine); 6 months-10 years (aggravated)	2-10 years	Up to 1½ years (or a fine); 4 months-4 years (aggravated)	4 months-6 years; 2-10 years (aggravated)			Up to 2 years (or a fine); 4 months-4 years (aggravated)
Gabon	-	N/A	Life or capital punishment								
Germany	X	N/A									
Ghana	X	N/A <sup>i</sup>	Life or any lesser term of imprisonment	5-25 years	Up to 3 years	Up to 10 years	Up to 10 years	Life or any lesser term of imprisonment			Up to 10 years

<sup>h</sup> Finland attempts to distinguish between petty, basic and aggravated forms of offences in order to standardize the penal scales. The punishment for petty offences is non-custodial sanctions; for ordinary offences, non-custodial sanctions with the possibility of custodial sanctions of up to 2-3 years are imposed; and for aggravated offences, custodial offences with the possibility of non-custodial sanctions are imposed. However, these distinctions are not rigidly enforced. Minimum imprisonment in Finland is 14 days and the maximum is 12 years, and when sentences are combined, up to 15 years' imprisonment can be imposed. In addition, under the Criminal Code, there are some aggravating situations in which more severe sentences are imposed. One such situation is the commission of an offence as a member of a group organized to commit serious offences.

<sup>i</sup> Under the Ghanaian Criminal Code, 1960, and the Criminal Procedure Code, 1960 (amended by Act 261, s. 5), crimes are categorized as: (a) first-degree felony, the punishment for which is life imprisonment or any lesser term; (b) second-degree felony, the term of imprisonment for which cannot exceed 10 years; and (c) misdemeanour, the term of imprisonment for which cannot exceed 3 years.

Country	<i>Statutory distinction made between serious and other offences</i>										
	<i>Serious offences</i>	<i>Murder</i>	<i>Rape</i>	<i>Assault (bodily harm)</i>	<i>Abduction</i>	<i>Theft</i>	<i>Robbery</i>	<i>Burglary</i>	<i>Handling stolen property</i>	<i>Extortion (intimidation, blackmail)</i>	
Greece	-	N/A <sup>j</sup>									
Indonesia	N/A	N/A									
Ireland	X	N/A <sup>k</sup>									
Italy	-	Imprisonment of 15 days-24 years or life imprisonment <sup>l</sup>									
Japan	-	Minimum imprisonment of 1 year <sup>m</sup> to life imprisonment; or capital punishment									
Korea	-	No distinction									

<sup>j</sup> According to Greek legal theory, a serious offence is characterized as an offence committed by one or more perpetrators acting professionally or whose activities are of a habitual nature or especially dangerous. An offence committed by an organized criminal group may also be characterized as a serious offence.

<sup>k</sup> Under Irish law, a distinction is made between summary offences, which are tried before a judge without a jury, and indictable offences, which are tried before a judge and a jury. Indictable offences are considered to be serious.

<sup>l</sup> The distinction between serious offences and misdemeanours affects both the types of collateral punishment and the statute of limitations. In addition, a distinction is made in Italy between offences for which arrest of the offender is mandatory or those where arrest is discretionary. For certain serious offences, preliminary investigations can be extended up to 18 months.

<sup>m</sup> The maximum imprisonment for serious offences is 5 years to life imprisonment.

Country	<i>Statutory distinction made between serious and other offences</i>										
	<i>Serious offences</i>	<i>Murder</i>	<i>Rape</i>	<i>Assault (bodily harm)</i>	<i>Abduction</i>	<i>Theft</i>	<i>Robbery</i>	<i>Burglary</i>	<i>Handling stolen property</i>	<i>Extortion (intimidation, blackmail)</i>	
Kuwait	X	Imprisonment of more than 3 years or capital punishment									
Mauritius	N/A	N/A									
Micronesia (Federated States of)	N/A	N/A									
Monaco	N/A	N/A									
Morocco	<sup>n</sup>	5-30 years or life imprisonment or capital punishment or enforced residence or deprivation of civic rights <sup>o</sup>				2-5 years					
Netherlands	-	Maximum imprisonment of more than 4 years								14 years	

<sup>n</sup> Moroccan legislation does not classify offences as serious or non-serious, but consolidates them into four types: “felonies”, “disciplinary misdemeanours”, “seized misdemeanours” and “contraventions”.

<sup>o</sup> These are the punishments for offences categorized as “felonies”.

Country	Statutory distinction made between serious and other offences	Serious offences	Murder	Rape	Assault (bodily harm)	Abduction	Theft	Robbery	Burglary	Handling stolen property	Extortion (intimidation, blackmail)
New Zealand	X	Imprisonment of 5 years or more	Life imprisonment	20 years (sexual violation)	14 years (wound), 10 years (injury), 14 years (aggravated)	14 years	7 years				Up to 5 years or 7.5 <sup>p</sup> years
Norway	-	Imprisonment of more than 3 months	6-21 years (homicide)	1-10 years or 21 years	Up to 3, 6 or 8 years or up to 21 years <sup>q</sup>		Up to 3 years or 6 years (aggravated)	Up to 5, 12 or 21 years		Up to 3 years or 6 years (aggravated)	
Pakistan	-	Imprisonment of more than 3 years									
Peru	X	N/A					4-8 years or 8-15 years <sup>r</sup>	15-25 years or life imprisonment <sup>s</sup>			

<sup>p</sup> If the accused has previously been sentenced for a similar offence.

<sup>q</sup> The General Civil Penal Code of Norway has two provisions concerning bodily injury, “inflicting injury” and “inflicting serious bodily injury”. Under inflicting injury, the term of imprisonment is either up to 3, 6 or 8 years, depending on the results. Under inflicting serious bodily injury, minimum imprisonment is 2-21 years.

<sup>r</sup> If the accused is a chief, head or leader of an organization formed to commit an offence.

<sup>s</sup> If the accused is a member of a criminal organization or if a victim dies or suffers physical or psychological harm.

Country	Statutory distinction made between serious and other offences		Murder	Rape	Assault (bodily harm)	Abduction	Theft	Robbery	Burglary	Handling stolen property	Extortion (intimidation, blackmail)
	Serious offences	Other offences									
Philippines	-	N/A <sup>t</sup>	20 years and 1 day- 40 years; or capital punishment	20 years and 1 day- 40 years; or capital punishment	4 months and 1 day- 6 months; or 6 months and 1 day- 12 years	20 years and 1 day-40 years; or capital punishment (kidnapping); 12 years and 1 day-20 years (abduction)	1-30 days; or 10 years and 1 day- 12 years (depending on the amount)	6 months and 1 day-6 years; 20 years and 1 day- 40 years; or capital punishment (depending on the severity)			
Romania	-	Imprisonment of more than 12 years <sup>u</sup>	15-25 years (felony, murder)	3-10 years	3-10 years		3-15 years	3-18 years			
Slovenia	-	No distinction									

<sup>t</sup> Under the Revised Penal Code of the Philippines, serious offences are determined by the penalties imposed. Penalties are categorized as “capital punishment” (death), “afflictive penalties” (imprisonment of more than 6 years and 1 day to life), “corrective penalties” (imprisonment of more than 1 month to 2 years) and “light penalties” (imprisonment of 1-30 days).

<sup>u</sup> There are aggravated offences and non-aggravated offences; aggravated offences are considered to be serious. Under article 75 of the Penal Code of Romania, there are certain situations that constitute aggravating circumstances, such as, *inter alia*, perpetration of an offence by three or more persons; perpetration of an offence with violence or through means and methods that present a public threat; and perpetration of an offence with malice. A different standard is applied to aggravated circumstances. For example, the term of imprisonment for “violation of the regime established for explosive materials”, is 3-10 years, but if the offence is committed by three or more persons, imprisonment is increased to 5-15 years and if perpetration of the offence with violence or through means and methods that present a public threat, imprisonment is 5-20 years. The figures in this annex are the sentences for non-aggravated offences.

Country	<i>Statutory distinction made between serious and other offences</i>										
	<i>Serious offences</i>	<i>Murder</i>	<i>Rape</i>	<i>Assault (bodily harm)</i>	<i>Abduction</i>	<i>Theft</i>	<i>Robbery</i>	<i>Burglary</i>	<i>Handling stolen property</i>	<i>Extortion (intimidation, blackmail)</i>	
South Africa	-	No distinction	Minimum 15 years (F), <sup>v</sup> 20 years (S), 25 years (T) or life imprisonment	Minimum 10 years (F), 15 years (S) or 25 years (T) or life imprisonment			Minimum 15 years (F), 20 years (S) or 25 years (T) <sup>w</sup>	Minimum 15 years (F), 20 years (S) or 25 years (T)		Minimum 15 years (F), 20 years (S) or 25 years (T) <sup>w</sup>	
Spain	X	Imprisonment of more than 3 years	Up to 15 years (homicide)		Up to 10 years		Up to 5 years				
Sweden	-	No distinction					1-6 years or 4-10 years <sup>x</sup>				
Switzerland <sup>y</sup>	X	1-20 years (R) or life imprisonment	Minimum 5 years (R)	Up to 10 years (R) or 6 months-5 years (L)	Up to 5 years (R) or light imprisonment	Up to 5 years (R) or light imprisonment	Up to 10 years (R) or minimum 6 months (L)	Up to 5 years (R) or light imprisonment	Up to 5 years (R) or light imprisonment	Up to 5 years (R) or light imprisonment	

<sup>v</sup> In South Africa, under Schedule 2, Part II, of the Criminal Law Amendment Act, the punishment imposed is different if an accused is a first-time, second-time or third-time or subsequent offender. In this table, (F) stands for a first-time offender, (S) stands for a second-time offender and (T) stands for a third-time or subsequent offender.

<sup>w</sup> According to the pertinent legislation of South Africa (Schedule 2, Part II, of the Criminal Law Amendment Act), these punishments are imposed: (a) if the offence involved amounts to more than 500,000 rand; (b) if the amounts involved exceed R 100,000 if the offence is committed by a person, group of persons, syndicate or any enterprise acting in the execution or furtherance of a common purpose or conspiracy; or (c) if it is proved that the offence was committed by any law enforcement officer; (i) when the amounts involved are more than R 10,000; or (ii) if the perpetrator acted as a member of a group of persons, syndicate or any enterprise acting in the execution or furtherance of a common purpose or conspiracy.

<sup>x</sup> Under the Swedish Penal Code, certain offences have different grades, for example, robbery and gross robbery, petty theft, and gross theft, and each grade has its own range of penalty.

<sup>y</sup> Under Swiss Penal Law, there are two forms of custodial penalty to punish “serious” and “very serious” offences, namely, light imprisonment and rigorous imprisonment. However, only rigorous imprisonment is imposed for a serious offence. In this table, (L) stands for light imprisonment and (R) stands for rigorous imprisonment.

Country	<i>Statutory distinction made between serious and other offences</i>										
	<i>Serious offences</i>	<i>Murder</i>	<i>Rape</i>	<i>Assault (bodily harm)</i>	<i>Abduction</i>	<i>Theft</i>	<i>Robbery</i>	<i>Burglary</i>	<i>Handling stolen property</i>	<i>Extortion (intimidation, blackmail)</i>	
Turkey	-	No distinction <sup>z</sup>									
Ukraine	X	Minimum 2-10 years and maximum 15 years; or up to 15 years or capital punishment (particularly serious offences)									Up to 14 years
United Kingdom	-	No distinction <sup>aa</sup>	Mandatory life sentence	Up to life imprisonment	Up to life imprisonment	Up to 7 years (child abduction) or 14 years (female)	Up to 1 year	Up to life imprisonment	Up to 10 years (other than dwelling), 14 years (dwelling) or life imprisonment (aggravated)	Up to 14 years	

<sup>z</sup> Under the Turkish Penal Code, there is a distinction between penalties for felonies and those for misdemeanours. The penalties for felonies are capital punishment, severe or rigorous imprisonment, light imprisonment, a fine and barring from public office; for misdemeanours the penalties are light imprisonment, a fine (minor) and barring from carrying on a business activity. The difference between severe imprisonment and light imprisonment is not available.

<sup>aa</sup> In the United Kingdom, criminal offences can be tried either in magistrates' court or crown court. The maximum penalty awarded in magistrates' court is 6 months' imprisonment or a fine not exceeding £5,000. The crown court can impose higher sentences. Some offences can be tried only in one court and some can be tried in both. Offences that can only be tried in magistrates' court are not likely to be considered serious.

<i>Country</i>	<i>Statutory distinction made between serious and other offences</i>	<i>Serious offences</i>	<i>Murder</i>	<i>Rape</i>	<i>Assault (bodily harm)</i>	<i>Abduction</i>	<i>Theft</i>	<i>Robbery</i>	<i>Burglary</i>	<i>Handling stolen property</i>	<i>Extortion (intimidation, blackmail)</i>
United States of America	X <sup>bb</sup>	Maximum imprisonment of more than 1 year (felony)									
Venezuela	X	N/A <sup>cc</sup>	20-26 years (contract killing)							15-25 years	

<sup>bb</sup> In the United States, the seriousness of an offence may be evaluated by whether the crime is characterized as a felony or a misdemeanour.

<sup>cc</sup> Under the draft organic law of Venezuela, four types of offence are qualified as serious: contract killing, money-laundering, terrorism and trafficking in persons.

**B. Terms of imprisonment prescribed for the offences of trafficking in drugs, embezzlement, bribery, fraud, counterfeiting of money, money-laundering, trafficking in human beings, smuggling of firearms, participation in a criminal organization and forming or leading a criminal organization, by country**

<i>Country</i>	<i>Trafficking in drugs</i>	<i>Embezzlement</i>	<i>Bribery (corruption)</i>	<i>Fraud</i>	<i>Counterfeiting of money</i>	<i>Money-laundering</i>	<i>Trafficking in human beings</i>	<i>Smuggling of firearms</i>	<i>Participation in a criminal organization</i>	<i>Forming or leading a criminal organization</i>
Austria	Up to 5, 10, 15 or 20 years	Up to 5 or 10 years		Up to 10 years	Up to 10 years	Up to 5 years	Up to 5 or 10 years		Up to 5 years	N/A
Belarus	Up to 10 years with or without confiscation of property or 6-15 years with confiscation of property <sup>dd</sup> or 8 to 15 years with confiscation of property <sup>ee</sup>				2-7 years with confiscation of property or 5-7 years with confiscation of property <sup>ff</sup>	Up to 3 years with or without confiscation of property or 3-6 years with or without confiscation of property <sup>gg</sup>		Up to 7 years	3-5 years with or without confiscation of property	8-12 years with confiscation of property or 10-15 years with confiscation of property <sup>hh</sup>

<sup>dd</sup> The heavier sentences will be applied in some circumstances, such as if the offence is committed repeatedly or on the basis of prior agreement by a group of persons or by a public official by virtue of his or her official position.

<sup>ee</sup> Applies if the offence is committed by an organized group or by a particularly dangerous recidivist.

<sup>ff</sup> Applies if the offence is committed repeatedly or by a group of persons.

<sup>gg</sup> Applies if the same acts are committed by an organized group, the term of imprisonment is 3-6 years with or without confiscation of property.

<sup>hh</sup> Applies if the offence is committed by a particularly dangerous recidivist or by a person with a previous conviction for a serious offence or by a public official by virtue of his or her official position.

<i>Country</i>	<i>Trafficking in drugs</i>	<i>Embezzlement</i>	<i>Bribery (corruption)</i>	<i>Fraud</i>	<i>Counterfeiting of money</i>	<i>Money-laundering</i>	<i>Trafficking in human beings</i>	<i>Smuggling of firearms</i>	<i>Participation in a criminal organization</i>	<i>Forming or leading a criminal organization</i>
Bulgaria	5-15 years (if committed by two or more persons)					1-5 years and a fine or 1-8 years and a fine (if committed by an organization) or 3-12 years and a fine (aggravated)	1-6 years and a fine or 1-10 years and a fine (under some conditions)		Up to 3 years	1-5 years
Canada										
China	15 years or life or capital punishment and confiscation of property	1-15 years or life or capital punishment (depending on the amount or situation)	1-15 years or life or capital punishment (depending on the amount and situation)	Up to 5 years or 5-10 years; or 10 years or life and/or confiscation of property	3-10 years and a fine; or more than 10 years to life or capital punishment <sup>ii</sup>	Up to 5 years and a fine; or 5-10 years (serious)	10 years to life and a fine or confiscation of property; or capital punishment	More than 7 years and a fine; or life or capital punishment (especially serious cases)	Up to 3 years	3-10 years
Colombia	6-20 years		1-5 years		1-6 years	6-15 years	2-6 years	1-4 years		
Costa Rica	5-15 years or 8-20 years (aggravated)		2 months-4 years		3-15 years	5-15 years or 8-20 years (aggravated)	10-15 years	3-8 years		
Croatia										
Cyprus	Life imprisonment		3 years		Life imprisonment	14 years	2 years <sup>jj</sup>	Life imprisonment	Life imprisonment	

<sup>ii</sup> Capital punishment is imposed (a) if the accused is a leader of a gang engaged in counterfeiting currency; (b) if the amount of counterfeiting money is huge; and (c) if especially serious circumstances are involved.

<sup>jj</sup> A new bill that will increase the sentence to life imprisonment has been prepared.

Country	Trafficking in drugs	Embezzlement	Bribery (corruption)	Fraud	Counterfeiting of money	Money-laundering	Trafficking in human beings	Smuggling of firearms	Participation in a criminal organization	Forming or leading a criminal organization
Denmark										
Dominica				25 years and a fine		20 years and a fine				
Ecuador		4-8 years	6 months-3 years			8-12 years (and a fine)	9-12 years (men, women and children) <sup>kk</sup>	3-6 years and a fine <sup>ll</sup>	2-5 years or 3-6 years <sup>mmm</sup>	
Fiji			7 years		Life imprisonment				3 years	7 years
Finland	Up to 2 years; 1-10 years (aggravated) (narcotics offence)	Up to 1½ years (or a fine); 4 months-4 years (aggravated)	Up to 2 years (or a fine); 4 months-4 years (aggravated); (bribery in business)	Up to 2 years (or a fine); 4 months-4 years (aggravated)	4 months-4 years; 2-10 years (aggravated)	Up to 1½ years (receiving offence); 4 months-4 years (aggravated); 4 months-6 years (professional)	2-10 years (kidnapping); up to 2 years (trafficking in migrants)	Up to 2 years; 4 months-4 years (aggravated); up to 1 year (trafficking in ammunition)		
Gabon										
Germany										
Ghana	Minimum 10 years			Up to 10 years						

<sup>kk</sup> With regard to trafficking in illegal migrants, there is no provision under the Criminal Code of Ecuador, but under the Migration Act, 3-6 three years of imprisonment and a fine are imposed.

<sup>ll</sup> Under the Law on the Manufacture, Import and Export, Marketing and Possession of Arms, Explosives and Accessories.

<sup>mmm</sup> Depends on the purpose of the association.

<i>Country</i>	<i>Trafficking in drugs</i>	<i>Embezzlement</i>	<i>Bribery (corruption)</i>	<i>Fraud</i>	<i>Counterfeiting of money</i>	<i>Money-laundering</i>	<i>Trafficking in human beings</i>	<i>Smuggling of firearms</i>	<i>Participation in a criminal organization</i>	<i>Forming or leading a criminal organization</i>
Greece	10-20 years and a fine or life imprisonment and a fine					Up to 10 years	Minimum 1 year and a fine or 2 years and a fine (aggravated)	Minimum 1 year and a fine		
Indonesia										
Ireland										
Italy						4-12 years and a fine			1-5 years <sup>nn</sup>	3-7 years <sup>oo</sup>
Japan										
Korea										
Kuwait										
Mauritius	Up to 20 years and a fine									
Micronesia (Federated States of)	Up to 10 years <sup>pp</sup>					Up to 10 years and a fine <sup>qq</sup>		Up to 5 years and fine		
Monaco						10-20 years and a fine				

<sup>nn</sup> If the association is a Mafia-type, the term of imprisonment is 3-6 years and if it is an armed type, 4-10 years of imprisonment are imposed.

<sup>oo</sup> If the association is a Mafia-type, the term of imprisonment is 4-9 years and if it is an armed type, 5-15 years of imprisonment are imposed.

<sup>pp</sup> This provision is contained in the Drugs of Abuse Act, 1999, which will be presented to the next session of the legislature.

<sup>qq</sup> This provision is contained in the Money-Laundering and Proceeds of Crime Act, 1999, which will be presented to the next session of the legislature.

<i>Country</i>	<i>Trafficking in drugs</i>	<i>Embezzlement</i>	<i>Bribery (corruption)</i>	<i>Fraud</i>	<i>Counterfeiting of money</i>	<i>Money-laundering</i>	<i>Trafficking in human beings</i>	<i>Smuggling of firearms</i>	<i>Participation in a criminal organization</i>	<i>Forming or leading a criminal organization</i>
Morocco		2-5 years	2 years or less (corruption)							
Netherlands	4 years or more		4 years or more (corruption)	4 years or more			4 years or more	4 years or more		
New Zealand	8 years to life imprisonment		3 years (corruption and bribery of an official)		10 years	5 years		1 year		
Norway	Up to 2, 10, 15 or 21 years	Up to 6 years	Up to 6 months	Up to 6 years	Up to 3 years	Up to 3 years or 6 years (aggravated)	5-21 years			
<i>Pakistan</i>										
Peru	8-15 years <sup>rr</sup>		3-6 years (major), 2-4 years (minor)		3-10 years	Up to life imprisonment	5-10 years or 8-12 years (aggravated)	6-15 years		
Philippines	20 years and 1 day-40 years and a fine; capital punishment	2 years, 4 months and 1 day-4 years and 2 months; 20 years and 1 day-40 years	6 years and 1 day-8 years; 8 years and 1 day-10 years and a fine	2 years, 4 months and 1 day-4 years and 2 months; 6 years and 1 day-8 years	6 months and 1 day-2 years and 4 months and a fine; 8 years and 1 day-10 years (depending on the situation)		10 years and 1 day-12 years		1 month and 1 day-6 months; 6 months and 1 day-6 years (if armed)	4 years, 2 months and 1 day-6 years; 8 years and 1 day-10 years

<sup>rr</sup> If an offence is committed by three or more persons or by a member of an organization engaged in drug trafficking, the minimum term of imprisonment is 25 years.

<i>Country</i>	<i>Trafficking in drugs</i>	<i>Embezzlement</i>	<i>Bribery (corruption)</i>	<i>Fraud</i>	<i>Counterfeiting of money</i>	<i>Money-laundering</i>	<i>Trafficking in human beings</i>	<i>Smuggling of firearms</i>	<i>Participation in a criminal organization</i>	<i>Forming or leading a criminal organization</i>
Romania	3-15 years	6 months-5 years	3-12 years					6 months-5 years; 3-10 years (for explosives)		
Slovenia										
South Africa	Minimum 15 years (F), 20 years (S) or 25 years (T) <sup>ss</sup>		Minimum 15 years (F), 20 years (S) or 25 years (T) <sup>tt</sup> (corruption)	Minimum 15 years (F), 20 years (S) or 25 years (T) <sup>tt</sup>				Minimum 15 years (F), 20 years (S) or 25 years (T)		
Spain	Up to 4½, 6, 9 or 13½ years (depending on the drugs involved)			Up to 6 years	Up to 12 years			Up to 4 years; up to 10 years (weapons of war or chemical weapons)		
Sweden										

<sup>ss</sup> In terms of drug trafficking, Schedule 2, Part II, of the Criminal Amendment Act is applied: (a) if the value of the dependence-producing substance in question is more than 50,000 rand; (b) if the value of the dependence-producing substance in question is more than R 10,000 and that the offence was committed by a person, group of persons, syndicate or any enterprise acting in the execution or furtherance of a common purpose or conspiracy; or (c) if the offence was committed by any law enforcement officer.

<sup>tt</sup> According to the pertinent legislation of South Africa (Schedule 2, Part II, of the Criminal Law Amendment Act), these punishments are imposed: (a) if the offence involves amounts higher than R 500,000; (b) the amounts involved exceed R 100,000 if the offence was committed by a person, group of persons, syndicate or any enterprise acting in the execution or furtherance of a common purpose or conspiracy; or (c) if it is proved that the offence was committed by a law enforcement officer; (i) when the amounts involved are more than R 10,000 or (ii) if the perpetrator acted as a member of a group of persons, syndicate or any enterprise acting in the execution or furtherance of a common purpose or conspiracy.

<i>Country</i>	<i>Trafficking in drugs</i>	<i>Embezzlement</i>	<i>Bribery (corruption)</i>	<i>Fraud</i>	<i>Counterfeiting of money</i>	<i>Money-laundering</i>	<i>Trafficking in human beings</i>	<i>Smuggling of firearms</i>	<i>Participation in a criminal organization</i>	<i>Forming or leading a criminal organization</i>
Switzerland <sup>uu</sup>			Up to 3 years (R) or light imprisonment (corruption)	Up to 5 years (R) or light imprisonment	Rigorous imprisonment (manufacture); up to 3 years (R) or light imprisonment (circulation)	Light imprisonment or a fine				
Turkey										
Ukraine										
United Kingdom	Up to 14 years or life imprisonment (depending on the drugs involved)				Up to 10 years					
United States										
Venezuela						15-25 years	10-15 years <sup>vv</sup>		15-20 years	

<sup>uu</sup> Under Swiss Penal Law, there are two forms of custodial penalty to punish “serious” and “very serious” offences, namely, light imprisonment and rigorous imprisonment. However, only rigorous imprisonment is imposed for a serious offence. In this table, (L) stands for light imprisonment and (R) stands for rigorous imprisonment.

<sup>vv</sup> If the victim is under age, the penalty is increased by one-third.