TITLE I General provisions
Article 1 (Conventions and schedules)

1. The provisions of this law shall be interpreted in harmony with the conventions relating to narcotic drugs, psychotropic substances or precursors, ratified by Cape Verde.

2. The plants, substances or preparations subject to the conditions laid down herein are set out in four schedules, appended hereto, which form an integral part hereof.

3. For the purpose of the application of the provisions of this law, a distinction is made between "high-risk drugs", represented by the list of plants and substances in Schedules I and II, "lower-risk drugs", represented by the list of plants and substances in Schedule III, and precursors, represented by the substances in Schedule IV.

Article 2 (Definitions)

In this law:

(a) Drug abuse"and "illicit use" shall refer to the use of prohibited drugs and the use, without medical prescription, of other drugs subject to control in the national territory, respectively;

(b) Drug addict" shall refer to a person physically or mentally dependent on a drug subject to control in the national territory.

TITLE II Measures against illicit production and trafficking of controlled substances
CHAPTER I Offences and main penalties
Article 3 (High-risk drugs)

1. Anyone who, without being so authorized, cultivates, produces, manufactures, extracts, prepares, provides, offers for sale, sells, distributes, purchases, transfers or in any capacity receives, supplies to others, transports, imports, exports, transits or illicitly possesses, except in the cases provided in Article 20, plants, substances or preparations in Schedules I and II shall be liable to a term of imprisonment of between four and 12 years.

2. Anyone who, acting contrary to an authorization granted pursuant to Decree-Law 92/92, dated 20 July, or legislation designed to replace it, illicitly transfers, places on the market or arranges for others to place on the market plants, substances or preparations mentioned in 1 above shall be liable to a term of imprisonment of between five and 15 years.
3. The penalties mentioned in 2 above shall apply to anyone who cultivates plants or produces or manufactures substances or preparations other than those indicated in the authorization document.

Article 4 (Lower-risk drugs)

Anyone who, without being so authorized, exercises any of the activities referred to in section 1 of Article 3, with regard to drugs in Schedule III, shall be liable to a term of imprisonment of between one and five years.

Article 5 (Precursors)

1. Anyone who, without being so authorized, produces, manufactures, extracts, prepares, provides, offers for sale, sells, distributes, purchases, transfers or in any capacity receives, supplies to others, transports, imports, exports or transits equipment, materials or substances indicated in Schedule IV, in the knowledge that they are or will be used in the illicit cultivation, production or manufacture of narcotic drugs or psychotropic substances, shall be liable to a term of imprisonment of between two and 10 years.

2. Anyone who, without being so authorized, possesses, in any capacity, equipment, materials or substances indicated in Schedule IV, in the knowledge that they are or will be used in the illicit cultivation, production or manufacture of narcotic drugs or psychotropic substances, shall be liable to a term of imprisonment of between one and five years.

3. If the perpetrator has an authorization pursuant to Decree-Law 92/92, dated 20 July, or. legislation designed to replace it, he/she shall be liable:

   (a) In the case in 1, to a term of imprisonment of between four and 12 years;

Article 6 (Trafficking offences of a less serious nature)

If, in the cases mentioned in Articles 3, 4 and 5, the illicit nature of the activity is less serious, bearing in mind, in particular, the means used, the modality or circumstances of the action or the quality or quantity of the plants, substances or preparations, the penalty shall be:

(a) A term of imprisonment of between one and five years if the offence relates to plants, substances or preparations indicated in Schedules I, II and IV;

(b)
A term of imprisonment of up to two years and a corresponding fine if the offence relates to plants, substances or preparations in Schedule III.

Article 7 (Conversion, transfer or concealment of property or products)

1. Anyone who, in the knowledge that the property and products are the result of the commission, regardless of the form of participation, of an offence set out in Articles 3 to 6 and 8 to 10:

   (a) Converts, transfers, assists or facilitates any operation to convert or transfer such property or products, wholly or in part, directly or indirectly, with the purpose of hiding or concealing their illicit origin, or to assist a person implicated in the commission of any such offence to evade the legal consequences of his/her actions, shall be liable to a term of imprisonment of between four and 12 years;

   (b) Hides or conceals the true nature, origin, location, disposition, movement or ownership of such property or products, or of the rights relating thereto, shall be liable to a term of imprisonment of between two and 10 years;

   (c) Acquires or receives, in any capacity, uses, possesses or retains such property or products shall be liable to a term of imprisonment of between one and five years.

2. The penalty for the offences indicated in 1 above shall not exceed that applicable to the corresponding offences under Articles 3 to 6 and 8 to 10.

3. The penalty for the offences indicated in 1 above shall also apply if the offences mentioned in Articles 3 to 6 and 8 to 10 have been committed outside the national territory.

CHAPTER II Increased penalties

Article 8 (Reasons for increase)

The lower and upper limits of the penalties indicated in Articles 3 to 7 shall be increased by a quarter in the following instances:

(a) If the substances or preparations are supplied or destined for juveniles or mentally-deficient individuals;
(b) If the substances or preparations are distributed to a large number of people;

(c) If the perpetrator obtains or attempts to obtain financial reward;

(d) If the perpetrator is an official responsible for the prevention of punishment of such offences;

(e) If the perpetrator is a physician, a pharmacist or other health worker, or an official working in the prison service or in the social reintegration service, a worker in the postal, telegraph, telephone or telecommunications service, a teacher, an educator or an employee in the social welfare services or institutions, and the offence is committed in the exercise of his/her functions;

(f) If the perpetrator takes part in other internationally organized criminal activities;

(g) If the perpetrator takes part in other illegal activities that are facilitated by the commission of the offence;

(h) If the offence is committed on premises used by services responsible for the treatment of drug addicts, social reintegration or social welfare, or in prison establishments, military units, educational establishments or other premises where pupils or students pursue educational, sporting or social activities, or in their immediate vicinity;

(i) If the perpetrator employs the collaboration, in any form, of juveniles or mentally-deficient individuals;

(j)
If the perpetrator is a member of a gang set up for the purpose of the repeated commission of the crimes mentioned in Articles 3 to 6, with the collaboration of at least one other member of the gang;

(k)

If the substances or preparations are spoiled, altered or adulterated, by handling or compounding, thereby increasing the danger to the life or physical integrity of others.

Article 9 (Trafficking for own use)

1. If, in carrying out any of the activities mentioned in Article 3, except for the cases indicated in Article 20, the perpetrator's sole aim is to obtain plants, substances or preparations for personal use, the punishment shall be a term of imprisonment of up to three years, if the offence involves plants, substances or preparations in Schedules I and II, or a term of imprisonment of up to one year and a fine of up to 120 days, if the offence involves substances or preparations in Schedule III.

2. Any attempt to commit an offence shall be punishable.

3. The provisions embodied in this text, and not those of 1 above, shall apply if the perpetrator possesses plants, substances or preparations in an amount exceeding that needed for average individual consumption for a period of seven days or, in the case of substances in Schedule IIIB, a period of 30 days.

Article 10 (Abuse of professional functions)

1. The penalties mentioned in section 1 of Article 3 and in Article 4 shall apply to a physician who issues prescriptions for or administers or supplies substances or preparations indicated therein for purposes other than treatment.

2. The same penalties shall apply to a pharmacist, or a person who replaces a pharmacist in the event of absence or impediment, who sells or supplies such substances or preparations for purposes other than treatment.

3. If an individual is sentenced pursuant to 1 and 2 above, the court shall communicate its decision to the institution that has disciplinary power over the offender.

4. Any attempt to commit an offence shall be punishable.

Article 11 (Criminal association)

1. Anyone who promotes, rounds, leads, directs or finances a group, organization or association of two or more persons who, acting jointly, seek to commit any of the crimes mentioned in Articles 3 to 7, shall be liable to a term of imprisonment of between 10 and 20 years.
2. Anyone who renders direct or indirect assistance to, or joins or supports a group, organization or association, pursuant to 1 above, shall be liable to a term of imprisonment of between five and 15 years.

3. If the purpose or activity of the group, organization or association is to convert, transfer, conceal or receive goods or products from the crimes set out in Articles 3 to 6, the perpetrator shall be liable:

   (a) In the cases in 1, to a term of imprisonment of between two and 10 years;

   (b) In the cases in 2, to a term of imprisonment of between one and five years.

Article 12 (Incitement to use narcotic drugs or psychotropic substances)

1. Anyone who induces, incites or persuades another person, in public or in private, [h a view to use], or in any way facilitates the illicit use of plants, substances or preparations in Schedules I and II, shall be liable to a term of imprisonment of up to two years or a fine of up to 240 days.

2. In the case of substances or preparations in Schedule III, the punishment shall be a term of imprisonment of up to one year or a fine of up to 120 days.

3. The minimum and maximum limits of the punishments shall be increased by one third:

   (a) If the activity is carried out to the detriment of a juvenile, a mentally-deficient individual or a person in the care of the perpetrator of the crime for treatment, education, upbringing, supervision or custody purposes;

   (b) If any of the circumstances indicated in sections (d), (e) or (h) of Article 8 applies.

Article 13 (Trafficking and use in public or meeting places)

1. Anyone who, as the owner, administrator or manager, or in any other capacity, runs a hotel, restaurant, cafe, inn, club, nightclub or a house or premises used for meetings, entertainment or amusement, allows the premises to be used for trafficking or illicit use of plants, substances or preparations in Schedules I to III, shall be liable to a term of imprisonment of between two and 10 years.
2. Anyone who, having a building, secluded area or vehicle at his/her disposal, allows it to be habitually used for trafficking or illicit use of plants, substances or preparations in Schedules I to III, shall be liable to a term of imprisonment of between one and five years.

3. Without prejudice to the provisions of 1 and 2 above, a perpetrator who, after being notified pursuant to 4 below, fails to take appropriate steps to ensure that the premises mentioned therein are not used for trafficking or illicit use of plants, substances or preparations in Schedules I to III, shall be liable to a term of imprisonment of between one and five years.

4. The provisions of 3 above shall apply after two seizures of plants, substances or preparations in Schedules I to III by the judicial authority or by the criminal investigation police, duly communicated to the perpetrator mentioned in 1 and 2 above, at intervals of less than one year, even where the carriers have not been identified.

5. If the conditions mentioned in 3 and 4 above are confirmed, the authority competent to investigate shall communicate the facts to the administrative authority having granted the authorization to open the establishment, which shall decide whether it should be closed.

Article 14 (Qualified disobedience)

1. Anyone who opposes control measures or refuses to provide the documents required by Decree-Law 92/92, dated 20 July, or by legislation designed to replace it, after having been notified of the criminal consequences of such conduct, shall be liable to the punishment that corresponds to the crime of qualified disobedience.

2. The same punishment shall apply to anyone who fails to comply in good time with the obligations of urgent notification of the diversion or theft of substances or documents mentioned in Decree-Law 92/92, dated 20 July, or legislation designed to replace it.

CHAPTER III

Application of or exemption from punishment in special cases

Article 15 (Reduction in or remission of punishment)

If, in the cases set out in Articles 3 to 7 and 11, the perpetrator voluntarily abandons his/her activity, dispels or appreciably reduces the danger generated by his/her conduct, prevents or makes a serious effort to prevent the consequences which the law seeks to avoid or gives the authorities practical help in collecting decisive evidence to identify or apprehend other accomplices, particularly if a group, organization or association is involved, there may be an extraordinary reduction in the punishment or full remission thereof.

CHAPTER IV
Supplementary measures and punishments

Article 16 (Loss of objects used in the criminal activity)

1. The courts shall declare the forfeiture to the State of the plants and substances seized in connection with an offence laid down in this text that have not been destroyed or handed over to an authorized body for licit use, even if no specific person may be punished for the offence.

2. The courts shall also declare the forfeiture to the State of the installations, materials, equipment and other movables used or destined to be used in committing an offence, without prejudice to the rights of third parties acting in good faith, as well as any reward given or promised to the perpetrators of the offence.

Article 17 (Property that has been transformed, converted or mixed)

1. In the cases indicated in this text, the courts shall also declare the forfeiture to the State of the products of the offence, directly acquired by the perpetrators, for themselves or for others, the movables or immovables into which they have been transformed or converted and, up to the amount of the estimated value of the products in question, property that has been legitimately acquired, with which such products have been mixed, as well as the income, interest, profit and other benefits accruing from such products, the property into which they have been transformed or invested, or property with which they have been mixed.

2. If the rights, objects or benefits referred to in 1 above cannot be appropriated in kind, the corresponding value shall be paid to the State.

3. The provisions of 1 and 2 above shall apply to the rights, objects or benefits obtained by transaction or exchange with the rights, objects or benefits directly generated by the offence.

Article 18 (Use of property forfeited to the State)

In an amount and form decided by the Government, part of the income deriving from the alienation of the property and products shall be allocated to drugs control programmes and to drug addict treatment.

Article 19 (Expulsion of foreigners and closure of establishments)

1. Without prejudice to the provisions of Article 23, if the person sentenced for a crime set out herein is a foreigner, the court may order the person to be expelled from the country for a period not exceeding 15 years.

2. The sentence for a crime set out in Article 12 may, regardless of any prohibition on pursuing a profession or carrying on an activity, rule that the establishment or public
place where the offence occurred should be closed for a period of between one and five years.

3. If there has been a previous closure by judicial or administrative order, the period elapsed shall be taken into account in the sentence.

4. If the accused is acquitted, the closure by administrative order shall cease immediately.

TITLE III Drug consumption
Article 20 (Consumption)

1. Anyone who consumes or, for consumption purposes, cultivates, purchases or possesses plants, substances or preparations in Schedules I to III, in such a small quantity that they may be deemed to be for personal use, shall be liable to a term of imprisonment of up to three months or a fine of up to 30 days.

2. The offender may be spared punishment if all of the following conditions apply:
   
   (a) He/she is not yet of full age;
   
   (b) The offence is a first offence;
   
   (c) He/she pledges, in a solemn declaration before a magistrate, that the action punishable by virtue of this article will not be repeated.

Article 21 (Voluntary treatment and user care)

1. Anyone who makes illicit use, for personal consumption, of plants, substances or preparations in Schedules I to III and seeks the assistance of the State health service or private individuals shall be guaranteed anonymity.

2. The physicians, specialists and other staff of the establishment attending the patient shall be bound by professional confidentiality and shall not be obliged to give evidence in court or to provide information to the police regarding the nature and progress of treatment.

3. The Ministry of Health shall take the necessary steps, through the departments concerned, to provide care for drug addicts or other users who voluntarily seek care and it shall monitor the conditions under which private bodies care for drug addicts.
Article 22 (Suspension of punishment and obligation to undergo treatment)

1. If the accused has been sentenced for a crime pursuant to Article 20 or another crime mentioned in this text, with which he/she is directly linked, and has been deemed to be dependent on drugs, the court may suspend execution of the punishment in accordance with the general legislation, provided that, apart from other duties or rules of behaviour that are appropriate, the accused voluntarily seeks treatment or hospitalization at a suitable establishment, in the manner and for the period specified by the court.

2. If, during the period of suspension of execution of the punishment, the drug addict culpably fails to seek treatment or hospitalization, or else ceases to fulfil any of the other duties or rules of behaviour imposed by the court, the provisions of criminal law concerning failure to fulfil such duties or rules of behaviour shall apply.

3. If the suspension is revoked, the punishment shall be served, preferably, in an appropriate section of a prison establishment, with the necessary medical attendance.

4. A system of probation may be employed, subject to the necessary modifications.

Article 23 (Treatment while awaiting trial)

1. If the treatment, in any of the approaches adopted, occurs while the person is awaiting trial, the physician or the establishment must send three-monthly reports, unless another interval is fixed, on the progress made by the person involved, in accordance with the rules of confidentiality of treatment, indicating the appropriate steps to be taken.

2. On receipt of the information mentioned in I above, the court shall rule, if applicable, on the person's fitness to stand trial.

TITLE IV Subsidiary legislation
CHAPTER I Criminal and procedural legislation
Article 24 (Criminal legislation)

In the absence of a specific provision in this text, the provisions of the general part of the Penal Code and supplementary legislation shall have subsidiary application.

Article 25 (Application of national criminal law)

For the purposes of this text, Cape Verde criminal law shall also apply to offences committed outside the national territory:

(a)

When they are committed by Cape Verde nationals or foreigners, provided that the perpetrator is in Cape Verde and, being foreign, has not been extradited;
Subject to agreements signed between States, when they are committed on board a vessel that the flag State empowers the Cape Verde authorities to examine or inspect, or, if there is evidence of involvement in illicit trafficking, to take appropriate measures to deal with the vessel, the persons on board and the cargo.

Article 26 (Legislation on criminal procedure)

In the absence of any specific provision herein, the provisions of the Code of Criminal Procedure and supplementary legislation shall have subsidiary application.

CHAPTER II Special procedural provisions

Article 27 (Seizures)

In offences mentioned in Articles 3 to 7 and 9 to 11, the drugs and precursors shall be seized immediately, as shall the installations, materials, equipment and other movables suspected of being used or intended for use in the commission of the crime, sums and transferable securities suspected of being direct or indirect proceeds of the offence, and all documents for use in establishing proof of the offence or the guilt of the perpetrators.

Article 28 (Inspection and examination)

1. If there is serious reason to believe that a person is concealing or carrying narcotic drugs or psychotropic substances in the body, an inspection shall be ordered and, if need be, an examination shall be carried out.

2. The person concerned may be taken to a hospital or other suitable establishment and detained there for the length of time strictly needed for the examination.

3. If the person concerned does not give consent, the inspection or examination shall require prior authorization by a judge who must, if possible, supervise the proceedings.

4. Anyone who, after receiving due warning of the criminal consequences of his/her action, refuses to undergo the investigation or examination, authorized pursuant to 3 above, shall be liable to a term of imprisonment of up to two years or a fine of up to 240 days.

Article 29 (Search and seizure)

1. Inspection and search of premises used to illicitly manufacture, process or store high-risk drugs, lower-risk drugs or precursors, and seizure of equipment and materials for use in the illicit cultivation, production or manufacture thereof, shall be allowed at any time of the day or night.

2. In the case of an inhabited dwelling or its closed annexes, such proceedings shall be carried out in daytime, with the written authorization of a judge, in accordance with the laws governing procedure.
Article 30 (Monitoring of postal services)

1. The agencies empowered to check or punish the offences set out in this text shall be authorized to monitor the postal service, at any time of the day or night, to discover any illicit consignments of drugs or precursors.

2. If there is serious reason to suspect such a consignment, those agencies may open the package and submit a written report to the competent judicial authority.

3. Correspondence may be opened and/or seized only with the written order of a judge, issued on specific grounds, in accordance with the laws governing procedure.

Article 31 (Interception and recording of conversations and communications)

1. A judge may order the interception or recording, for a given period, of conversations and communications by persons against whom there are grave suspicions of involvement in one of the offences set out in Articles 3 to 7 and 9 to 11, when such conversations and communications are expected to assist in establishing facts for the purpose of producing evidence.

2. A report shall be made of the relevant portions of the intercepted and recorded conversations and the judicial authority shall select the pertinent material for use in the trial and order the destruction of the portions deemed to be irrelevant.

3. The judicial authority may decide against the use of the material in the trial if it believes that knowledge of the report by the parties may prejudice the investigation.

Article 32 (Information on the wealth of individuals accused of trafficking)

1. Information may be requested on the property, resources or any other assets belonging to individuals accused of illicit trafficking of narcotic drugs or other psychotropic substances and precursors, with a view to seizure or forfeiture to the State, if they can be shown to be acquired through criminal activity.

2. Banking, financing or similar institutions, and registration or fiscal bodies, may not refuse to give such information, provided that the request relates to a specific individual case, indicates adequate grounds and quotes the reference data of the case in question.

3. The request mentioned in 1 and 2 above shall be made by the official of the Public Prosecutor's Office responsible for drawing up the case and it shall be accompanied by written authorization issued by a judge.

Article 33 (Controlled delivery)

1. In specific cases, the Public Prosecutor's Office may order the Criminal Investigation Police not to act against carriers of narcotic or psychotropic substances in
transit through Cape Verde, to assist, in conjunction with the country or countries of
destination and any other transit countries, in the identification and conviction of a larger
number of participants in the
different trafficking and distribution operations, without prejudice to penal action with
regard to the activities to which national law applies.

2. Such an order may only be given, at the behest of the country of destination, if:

(a) There is detailed knowledge of the probable itinerary of the carriers and adequate
identification of them;

(b) The competent authorities in the countries of destination and the transit countries can
guarantee that the substances are secure against theft or diversion;

(c) The competent judicial authorities in the countries of destination or transit undertake to
provide, as a matter of urgency, full details of the outcome of the operation and the
activities of each of the perpetrators of the crimes, particularly those carried out in Cape
Verde.

3. Even if they have issued the order mentioned above, the competent police
authorities shall act if the safety margin is appreciably reduced, if there is an unforeseen
change in the itinerary or any other circumstance that may hinder the future seizure of the
substances and arrest of the perpetrators, or if the action taken has not been
communicated to the body that issued the order in writing within 24 hours.

4. In agreement with the country of destination, the substances in transit may be
partially replaced by innocuous substances, as set out in the corresponding report.

5. International contacts may be made through the national Interpol office.

6. Any agency that receives a request for controlled delivery must pass it on
immediately to the competent police authority for execution.

Article 34 (Preventive custody)

1. If the crime is one of drug trafficking, diversion of precursors or conversion, transfer
or concealment of property or products, or criminal association, and the accused is under
preventive arrest, when deciding on the accused's release the judge shall take special note
of the his/her financial resources that may be used in escaping while free on bail or in continuing criminal activity, either in Cape Verde or elsewhere.

2. Before ruling on continued preventive custody, the judge shall collect up-to-date information to permit a reappraisal of the case.

CHAPTER III Arrangements governing investigation

Article 35 (Criminal investigation)

The investigation of the crimes laid down herein shall be the exclusive responsibility of the Criminal Investigation Police, without prejudice to the provisions of the relevant organic law with regard to the supplementary, subsidiary and auxiliary function of the police responsible for maintaining public order.

Article 36 (Non-punishable conduct)

1. The conduct of a criminal investigation officer who, strictly for the purposes of investigation, without revealing his/her capacity and identity, agrees to supply narcotic drugs or psychotropic substances, either directly or through a third party, shall not be punishable.

2. The report on such activity shall be appended to the trial documents within 24 hours.

Article 37 (Protection of information sources)

1. No criminal investigation officer, when giving a statement or evidence, shall be compelled to reveal to the court the identity or any other detail leading to the identification of the person who collaborated with the police in bringing an offence indicated in this text to light.

2. If, in the course of an adjudication hearing, the court finds that the person who collaborated with the police has passed on information or details that the person knew or should have known to be false, the court may order the person's identity to be revealed and his/her appearance before the court.

3. In the situation set out at the end of 2 above, the court may decide to allow no or only restricted public access.

CHAPTER IV Destruction of drugs and retention of samples

Article 38 (Examination and destruction of substances)

1. The plants, substances and preparations seized shall be examined, by order of the competent judicial authority, at the earliest opportunity.

2. After laboratory examination, the expert shall collect, identify, make gross and liquid weight measurements of, pack and seal a sample, if the quantity of drug so permits, and the remainder, if applicable.
3. The sample shall be kept in a safe by the body responsible for the investigation until a final decision is reached.

4. Within five days of receipt of the report on the laboratory examination, the competent judicial authority shall order the destruction of the remaining drug, which shall be effected within 30 days. The drug shall be kept in a safe until it is destroyed.

5. The drug shall be destroyed by incineration, in the presence of a magistrate, a designated official and a laboratory technician, and shall be the subject of a report. Drugs seized in various cases may be destroyed in the same incineration operation.

6. Once a final decision has been taken, the court shall order the destruction of the sample retained in the safe. It shall be destroyed in accordance with the provisions of 5 above and an appropriate report shall be made.

Article 39 (Samples requested by foreign agencies)

1. Samples of substances and preparations seized may be provided, at the request of foreign public services, for scientific or investigation purposes, even during a trial.

2. The request shall be passed on to the competent judicial authority which shall decide whether to comply with it.

3. The request may be submitted through the national Interpol office.

Article 40 (Notification of decisions)

1. The commission to combat illicit traffic in narcotic drugs and other psychotropic substances shall be notified of all seizures of plants, substances and preparations in Schedules I to IV.

2. The courts shall send the commission a copy of decisions issued in criminal proceedings to deal with offences set out herein.

TITLE V National coordination and international cooperation in the control of illicit drug trafficking

Article 41 (Coordinating commission)

1. The commission to combat illicit traffic, mentioned in section 1 of Article 40, shall centralize all information that may assist in the investigation and prevention of illicit traffic and shall coordinate, both nationally and internationally, all operations designed to prevent such traffic.

2. The Government shall publish a text to indicate the composition and powers of the commission.
Article 42 (International cooperation)

In matters regarding extradition, mutual legal assistance, execution of foreign criminal sentences and transfer of criminal proceedings, the treaties, conventions and agreements to which Cape Verde is party and, additionally, the provisions of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances shall apply.

TITLE VI Final provisions
Article 43 (Equivalence of punishments)

1. Without prejudice to the provisions of 2 below, when it is necessary, for any judicial purpose, to establish equivalence between the length of the sentences indicated in this text and those laid down in current legislation, they shall correspond as follows:

   (a) Terms of imprisonment of a maximum of three years, imprisonment in correctional establishments;

   (b) Terms of imprisonment of a maximum of over three years, imprisonment in custodial establishments.

2. For the purposes of the application of the penalties, specifically in the cases in which there are aggravating or extenuating circumstances, repeat offences, successive offences, accumulation of crimes, complicity, a frustrated offence or an attempted offence, the penalties set out in (b) of 1 above shall correspond as follows with terms of custodial imprisonment laid down in general criminal law:

   (a) Punishment of 10 to 20 years, to the punishment in section 1 of Article 55 of the Penal Code;

   (b) Punishment of five to 15 years, to the punishment in section 2 of Article 55 of the Penal Code;

   (c) Punishment of four to 12 years, to the punishment in section 3 of Article 55 of the Penal Code;
(d) Punishment of two to 10 years, to the punishment in section 4 of Article 5á of the Penal Code;

(e) Punishment of one to five years, to the punishment in section 5 of Article 55 of the Penal Code.

Article 44 (Superseded provisions)

Decree-Law 102/84, dated 27 October, and Law 27/IV/91, dated 30 December, are hereby superseded.

Article 45 (Entry into force)

This text shall come into force 30 days after its publication.

Approved on 27 May 1993.

The President of the current session of the National Assembly, António Espírito Santo Fonseca.

Promulgated on 23 June 1993.

Let it be published.

The President of the Republic, ANTÓNIO MANUEL MASCARENHAS GOMES MONTEIRO.


The President of the National Assembly, Amílcar Fernandes Spencer Lopes

CLASSIFICATION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

A

A

A

PRECURSORS

Narcotics

Substances in PS IV

If applicable, substances from other tables

Narcotics
PS I
PS II

Substances in PP III

Lysergic acids
Ephedrine
Ergometrine
Ergotamine
1 - phenyl- 2 - propanone
Pseudoephedrine
Acetone
Anthranilic acid
Acetic anhydride
Ethyl ether
Piperidine

The salts of substances in this table, whenever the existence of such salts is possible

B Psychotropics
Substances in PP I

B Psychotropics
Substances in PP II

B Substances in PP IV

MEANING OF ABBREVIATIONS


PS II- Drugs included in Schedule II of the Single Convention on Narcotic Drugs, 1961.

PS IV- Drugs included in Schedule IV of the Single Convention on Narcotic Drugs, 1961.


DRUGS INCLUDED IN SCHEDULE I OF THE 1961 CONVENTION AND/OR IN SCHEDULE I OF THE 1931 CONVENTION

ACETORPHINE (3- O-acetyltetrahydro-7alpha-(1-hydroxy-1-methylbutyl)-6,14-endoetheno -oripavine)

ACETYL- ALPHA-METHYLFENTANYL ( N-[alpha-methylphenethyl]-4-piperidyl]acetanilide)

ACETYLMETHADOL (3-acetox-6-dimethylamino-4,4-diphenylheptane)

ALFENTANIL ( N-[(4-ethyl-4,5-dihydro-5-oxo-1 H-tetrazol-1-yl)ethyl]-4-(methoxymethyl)-4-piperidinyl]- N-phenylpropanamide)

ALLYLPRODINE (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)

ALPHACETYLMETHADOL (alpha-3-acetox-6-dimethylamino-4,4-diphenylheptane)

ALPHAMEPRODINE (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)

ALPHAMETHADOL (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol)

ALPHA-METHYLFENTANYL ( N-[lpha-methylphenethyl]-4-piperidyl]propionanilide)

ALPHA-METHYLTHIOFENTANYL ( N-[methyl-2-(2-thienyl)ethyl]-4- piperidyl]propionanilide)

ALPHAPRODINE (alpha-1,3-dimethyl-4-phenyl-4-propionoxypipcridine)

ANILERIDINE (1- para-aminophenethyl-4-phenylpiperidine-4-carboxylicacidethylene)

BENZETHIDINE (1-(2-benzylxyethyl)-4-phenylpiperidine-4-carboxylicacidethylene)

BENZYMORPHINE (3-benzylmorphine)

BETACETYLMETHADOL (beta-3-acetox-6-dimethylamino-4,4-diphenylheptane)

BETA-HYDROXYFENTANYL( N-[beta-hydroxyphenethyl]-4-piperidyl]propionanilide)

BETA-HYDROXY-3-METHYLFENTANYL ( N-[eta-hydroxyphenethyl]-3-methyl-4-piperidyl]propionanilide)

BETAMEPRODINE (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)

BETAMETHADOL (beta-6-dimethylamino-4,4-diphenyl-3-heptanol)
BETAPRODINE (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)

BEZITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazoliny1)-piperidine)

CANNABIS (Indian hemp) and CANNABIS RESIN (Resin of Indian hemp)

CLONITAZENE (2-para-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)

COCA (leaf)

COCAINE (methyl ester of benzoylecgonine)

CODOXIME (dihydrocodeinone-6-carboxymethyloxime)

CONCENTRATE OF POPPY STRAW (the material arising when poppy straw has entered into a process for the concentration of its alkaloids when such material is made available in trade)

DESOMORPHINE (dihydrideoxymorphine)

DEXTROMORAMIDE ((+)-4-[methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl]morpholine)

DIAMPROMIDE (N-[methylphenethlamino-propyl]propionilide)

DIETHYLTHIAMBUTENE (3-diethylamino-1,1-di-(2'-thienyl)-1-butene)

DIFENOXIN (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotic acid)

DIHYDROMORPHINE

DIMENOXADOL (2-diethylaminoethyl-1-ethoxy-1,1-diphenylacetate)

DIMEPHEPTANOL (6-diethylamino-4,4-diphenyl-3-heptanol)

DIMETHYLTHIAMBUTENE (3-dimethylamino-1,1-di-(2'-thienyl)-1-butene)

DIOXAPHETYL BUTYRATE (ethyl-4-morpholino-2,2-diphenylbutyrate)

DIPHENOXYLATE (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

DIPIPANONE (4,4-diphenyl-6-piperidine-3-heptanone)
DROTEBANOL (3,4-dimethoxy-17-methylmorphinan-6beta,14-diol)

ECGONINE, its esters and derivatives which are convertible to ecgonine and cocaine

ETHYLMETHYLTHIAMBUTENE (3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene)

ETONITAZENE (1-diethylaminoethyl-2- para-ethoxybenzyl- 5-nitrobenzimidazole)

ETORPHINE (tetrahydro-7alpha-(1-hydroxy-1-methylbutyl)6,14- endoetheno-oripavine)

ETOXERIDINE (1-[2- hydroxyethoxy]-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)

FENTANYL (1 - phenethyl-4- N- propionylanilinopiperidine)

FURETHIDINE (1-(2- tetrahydrofurfuryloxyethyl)-4- phenylpiperidine-4-carboxylic acid ethyl ester)

HEROIN (diacetylmorphine)

HYDROCODONE (dihydrocodeinone)

HYDROMORPHINOL (14-hydroxydihydromorphine)

HYDROMORPHONE (dihydromorphinone)

HYDROXYPETHIDINE (4- meta-hydroxyphenyl-1-methylpiperidine-4-carboxylicacidethylester)

ISOMETHADONE (6 -dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)

KETOBEMIDONE (4-meta-hydroxyphenyl-1-methyl-4,4-propionylpiperidine)

LEVOMETHORPHAN ((-)3-methoxy- N-methylmorphinan)

LEVOMORAMIDE ((-)4-[ethyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]morpholine)

LEVOPHENACYLMORPHAN ((-)3-hydroxy- N-phenacylmorphinan)

LEVORPHANOL ((-)3-hydroxy-N-methylmorphinan)

METAZOCINE (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorban)

METHADONE (6 -dimethylamino-4,4-diphenyl-3-heptanone)
METHADONE INTERMEDIATE (4-cyano-2-dimethylamino-4,4-diphenylbutane)

METHYLDESORPHINE (6-methyl-delta-6-deoxymorphine)

METHYLDIHYDROMORPHINE (6-methyldihydromorphine)

3-METHYL FENTANYL (N-(3-methyl-1-phenethyl-4-piperidyl)propionanilide)

3-METHYLTHIOFENTANYL (N-[ethyl-1-[2-thienyl]ethyl]-4-piperidyl)propionanilide)

METOPON (5-methyldihydromorphinone)

MORAMIDE INTERMEDIATE (2-methyl-3-morpholino-1,1-diphenylpropanecarboxylicacid)

MORPERIDINE (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylicacidethylester)

MORPHINE

MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives

MORPHINE-N-OXIDE

MPPP (1-methyl-4-phenyl-4-piperidinolpropionate(ester))

MYROPHINE (myristylbenzylmorphine)

NICOMORPHINE (3,6-dinicotinylmorphine)

NORACYMETHADOL ((±)-alpha-3-acetoxy-6-methylamino-4,4-diphenylheptane)

NORLEVORPHANOL ((-)-3-hydroxymorphinan)

NORMETHADONE (6-dimethylamino-4,4-diphenyl-3-hexanone)

NORMORPHINE (demethylmorphine)

NORPIPANONE (4,4-diphenyl-6-piperidino-3-hexanone)

OPIUM

OXYCODONE (14-hydroxydihydrocodeinone)

OXYMORPHONE (14-hydroxydihydromorphinone)
PARA-FLUOROFENTANYL (4'-fluoro- N-(1-phenethyl-4-piperidyl)propionanilide)
PEPAP (1-phenethyl-4-phenyl-4-piperidinolacetate(ester))
PETHIDINE (1-methyl-4-phenylpiperidine-4-carboxylicacidethylester)
PETHIDINE INTERMEDIATE A (4-cyano-1-methyl-4-phenylpiperidine)
PETHIDINE INTERMEDIATE B(4-phenylpiperidine-4-carboxylicacidethylester)
PETHIDINE INTERMEDIATE C (1-methyl-4-phenylpiperidine-4-carboxylicacid)
PHENADOXONE (6-morpholino-4,4-diphenyl-3-heptanone)
PHENAMMPROMIDE ( N-(1-methyl-2-piperidinoethyl)propionanilide)
PHENAZOCINE (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)
PHENOMORPHAN (3-hydroxy- N-phenethylmorphinan)
PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylicacidethylester)
PIMINODINE (4-phenyl-1-(3-phenylaminopropyl)piperidine-4-carboxylicacidethylester)
PIRITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)-piperidine-4-carboxylicacidamide)
PROHEPTAZINE (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)
PROPERIDINE (1 -methyl-4-phenylpiperidine-4-carboxylicacidisopropylester)
RACEMETHORPHAN (±)-3-methoxy- N -methylmorphinan)
RACEMORAMIDE ((±) -4-[ethyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl]morpholine)
RACEMORPHAN ((±)-3-hydroxy- N -methylmorphinan)
SUFENTANIL ( N-[b>-(methoxymethyl)-1-[2-thienyl]-ethyl]-4 piperidyl)propionanilide)
THEBACON (acetyldihydrocodeinone)
THEBAINE
THIOFENTANYL (N-[(2-thienyl)ethyl]-4-piperidyl)propionanilide)

TILIDINE ((±)-ethyl- trans-2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate)

TRIMEPERIDINE (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine); and

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible;

The salts of the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

LIST OF DRUGS INCLUDED IN SCHEDULE II OF THE 1961 CONVENTION AND/OR GROUP II OF THE 1931 CONVENTION

ACETYLDIHYDROCODEINE

CODEINE (3-methylmorphine)

DEXTROPROPOXYPHENE (alpha- (+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-butanol propionate)

DIHYDROCODEINE

ETHYLMORPHINE (3-ethylmorphine)

NICOCODINE (6-nicotinylcodeine)

NICODICODINE (6-nicotinylidihydrocodeine)

NORCODEINE (N-demethylcodeine)

PHOLCODINE (morpholinylethylmorphine)

PROPIRAM (N-(1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide); and

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible;

The salts of the drugs listed in this Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

LIST OF PREPARATIONS INCLUDED IN SCHEDULE III
1. Preparations of Acetyldihydrocodeine, Codeine, Dihydrocodeine, Ethylmorphine, Nicocodine, Nicodicodine, Norcodeine, and Pholcodine

when compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

2. Preparations of PROPIRAM containing not more than 100 milligrams of propiram per dosage unit and compounded with at least the same amount of methylcellulose.

3. Preparations for oral use containing not more than 135 milligrams of salts of DEXTROPROPOXYPHENE base per dosage unit or with a concentration of not more than 2.5 per cent of undivided preparations, provided that such preparations do not contain any substance controlled under the 1971 Convention on Psychotropic Substances.

4. Preparations of COCAINE containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of OPIUM or MORPHINE containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base, if any of them is compounded with one or more active or inert ingredients and in such a way that the cocaine, opium or morphine cannot be recovered by readily applicable means or are not in preparations which would constitute a risk to public health.

5. Preparations of DIFENOXIN containing, per dosage unit, not more than 0.5 milligram of difenoxin calculated as base and a quantity of atropine sulphate equivalent to at least five per cent of the dose of difenoxin.

6. Preparations of DIPHENOXYLATE containing, per dosage unit, not more than 2.5 milligrams of diphenoxylate, calculated as base, and a quantity of atropine sulphate equivalent to at least one per cent of the dose of diphenoxylate.

7. PULVIS IPECACUANHAE ET OPII COMPOSITUS

10 per cent OPIUM in powder
10 per cent Ipecacuanha root, in powder

80 per cent of any inert powdered ingredient containing no controlled drug.

8. Preparations conforming to any of the formulae listed in this Schedule and mixtures of such preparations with any ingredient which contains no controlled drug.

DRUGS INCLUDED IN SCHEDULE IV

ACETORPHINE (3-0-acetyltetrahydro-7alpha-(1-hydroxy-1-methylbutyl)-6,14-endoentheno-oripavine)

CANNABIS AND CANNABIS RESIN

DESOMORPHINE (dihydrodeoxymorphine)

ETORPHINE (tetrahydro-7alpha-(1-hydroxy-1-methylbutyl)-6,14-endothenooripavine)

HEROIN (diacetylmorphine)

HEROIN KETOBEMIDONE (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine)

The salts of the drugs listed in this Schedule, whenever the existence of such salts is possible.

PSYCHOTROPIC SUBSTANCES UNDER INTERNATIONAL CONTROL LIST OF SUBSTANCES INCLUDED IN SCHEDULE I

BROLAMFETAMINE, DOB

(±)-4-bromo-2,5-dimethoxy-alpha-methylphenethylamine

CATHINONE

(-)-(S)-2-aminopropiophenone

DET

3-[diethylamino]ethyl]indole

DMA

(±)-2,5-dimethoxy-alpha-methylphenethylamine

DMHP

3-(1,2-dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 H-dibenzo[b,d]pyran-1-ol

DMT
3-[(dimethylamino)ethyl]indole
DOET

(±)-4-ethyl-2,5-dimethoxy-alpha-phenethylamine
ETYCLIDINE, PCE

N-ethyl-1-phenylecyclohexylamine
LYSERGIDE, LSD-25, LSD

9,10-didehydro- N, N-diethyl-6-methylergoline-8beta carboxamide
MDMA

(±)- N,alpha-dimethyl-3,4-(methylenedioxy)-phenethylamine
MESCALINE

3,4,5-trimethoxyphenethylamine
4-METHYLAMINOREX

(±)-cis-2-amino-4-methyl-5-phenyl-2-oxazoline
MMDA

2-methoxy-alpha-methyl-4,5-(methylenedioxy) phenethylamine
N-ETHYLMDA

(±)- N-ethyl-alpha-methyl-3,4-(methylenedioxy) phenethylamine
N-HYDROXY-MDA

(±)- N-[ha-methyl-3,4-(methylenedioxy)phenethyl] hydroxylamine
PARAHEXYL

3-hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6 H-dibenzo[b, d] pyran-1-ol
PMA

p -methoxy-alpha-methylphenethylamine
PSILOCINE, PSILOTSIN

3-[(dimethylamino)ethyl]indol-4-ol
PSILOCYBINE

3-[(dimethylamino)ethyl]indol-4-yldihydrogen phosphate
ROLICYCLIDINE, PHP, PCPY

1-(1-phenylcyclohexyl)pyrrolidine
STP, DOM

2,5-dimethoxy-alpha,4-dimethylphenethylamine
TENAMFETAMINE, MDA
alpha-methyl-3,4-(methylenedioxy)phenethylamine
TENOCYCLIDINE, TCP

1 - [(2- thienyl)cyclohexyl]piperidine
TETRAHYDROCANNABINOLS

6a,7,10,10a- tetrahydro-6,6,9- trimethyl- 3- penty1- 6 H-dibenzo[>b, d]pyran- 1- ol
TMA

(±)-3,4,5- trimethoxy- alpha- methylphenethylamine
LIST OF SUBSTANCES INCLUDED IN SCHEDULE II
AMFETAMINE

(±) - alpha-methylphenethylamine
DEXAMFETAMINE

(+)- alpha- methylphenethylamine
FENETYLLINE

7- [[pha - methylphenethyl]amino]ethyl]theophylline
LEVAMFETAMINE

(-) -( R)- alpha- methylphenethylamine
LEVOMETHAMPHETAMINE

(-) N,alpha-dimethylphenethylamine
MECLOQUALONE

3 - ( o- chlorophenyl) - 2- methyl- 4(3 H)- quinazolinone
METAMFETAMINE

(+)- ( S)- N,alpha- dimethylphenethylamine
METAMFETAMINE RACEMATE

(±)- N,alpha-dimethylphenethylamine
METHAQUALONE

2 - methyl - 3 - o - tolyl- 4(3 H)- quinazolinone
METHYLPHENIDATE

methylalpha- phenyl- 2- piperidineacetate
PHENCYCLIDINE, PCP

1- (1- phenylcyclohexyl)piperidine
PHENMETRAZINE

3- methyl-2- phenylmorpholine

SECOBARBITAL

5- allyl- 5- (1- methylbutyl)barbituric acid

LIST OF SUBSTANCES INCLUDED IN SCHEDULE III

AMOBARBITAL

5-ethyl- 5- isopentylbarbituric acid

BUPRENORPHINE

( N)- 3- cyclopropymethylhydroxy-6- methoxy-4,5-epoxy-6,14- ethano- 7,2- morphinanyl- 3,3- dimethyl- 2- butanol

BUTALBITAL

5- allyl- 5 - isobutylbarbituric acid

CATHINE

(+)-( R)-alpha-[i>R)-1-aminoethyl]benzylalcohol

CYCLOBARBITAL

5 - (1 - cyclohexen- 1- yl)- 5- ethylbarbituric acid

GLUTETHIMIDE

2 - ethyl- 2 - phenylglutarimide

PENTAZOCINE

(2 R*,6 R*,11 R*)- 1,2,3,4,5,6-hexahydro-6,1 l- dimethyl- 3- (3-methyl- 2- butenyl)- 2,6- methano- 3- benzazocin- 8- ol

PENTOBARBITAL

5 - ethyl- 5 - (1 - methylbutyl)barbituric acid