

*Title*

25. This Ordinance may be cited as the Prevention of Terrorism Ordinance, 5708—1948.

19<sup>th</sup> Elul, 5708 (23<sup>rd</sup> September, 1948)

David Ben-Gurion  
Prime Minister And Minister of Defence

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Minister of Justice

## XXIII. ITALY<sup>62</sup>

### 1. SUMMARY OF ITALIAN LEGISLATION ON TERRORISM

1.1 Under Italian law terrorism in itself is not a criminal offence, however, the penal code nevertheless covers certain criminal offences whose terrorist purpose is included in the definition of the crime, such as “Conspiracy to commit acts of terrorism or to subvert the democratic order” (*Article 270 bis*), “Attacks for terrorist or subversive purposes” (*Article 280*), “Abducting a person for the purposes of terrorism or subversion” (*Article 289 bis*). Furthermore, the commission of any criminal offence for terrorist or subversive purposes constitutes an aggravating circumstance.

#### PENAL CODE – TERRORISM

*Article 270 bis: Associations whose aim is terrorism and subversion of the democratic order*

“Whoever promotes, establishes, organises or heads associations that propose to carry out violent acts with the purpose of subverting the democratic order shall be punished with imprisonment for a period of four to eight years”.

*Article 280: Attempt with the aim of terrorism or subversion*

“Whoever, with the intent to terrorize or subvert the democratic order, makes an attempt at the life or safety of a person shall be punished in the first case with imprisonment of not less than twenty years and in the second case with imprisonment of not less than six years (aggravated if the consequences lead to injury--serious injury--very serious injury--death; aggravated if the attempt is

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<sup>62</sup> Transmitted to the Secretariat by that Government on 26 April 2001. Unofficial translation.

aimed at persons who carry out judicial or penitentiary or public security responsibilities during their duties or as a result of their responsibilities”;

*Article 289 bis: Abduction of persons with the aim of terrorism or subversion*

“Whoever, with the aim of terrorizing or subverting the democratic order, abducts a person shall be punished with imprisonment for a period of twenty-five to thirty years. If the abduction results in the death of the person, even if death was not intended by the culprit, he/she shall be imprisoned for thirty years. If the culprit causes the death of the abductee a life-sentence shall be imposed. The sentence shall be reduced if the culprit dissociates him/herself and contributes to the freedom of the abductee.”

1.2 As regards the financing of terrorism, this is not formally considered to be a specific criminal offence. However, financing a person with the intent of making that person commit any kind of crime (mass-killings, murders, bomb attacks, armed robberies, thefts, abductions, etc.) creates joint criminal liability for that crime and the culprit is punished accordingly. Anyone financing an individual or an organisation that commits a crime for terrorist or subversive purposes – e.g. an attack falling under Article 280 of the penal code—is treated as an accomplice and is likely to receive a heavier sentence as a consequence.

## XXIV. JAPAN<sup>63</sup>

### 1. PENAL CODE (LAW NO. 45, APRIL 24, 1907)

#### Amendments:

- (1) Law No. 77, April 16, 1921
- (2) Law No. 61, Mar. 12, 1941
- (3) Law No. 124, Oct. 26, 1947
- (4) Law No. 195, Aug. 10, 1953
- (5) Law No. 57, April 1, 1954
- (6) Law No. 107, April 30, 1958
- (7) Law No. 83, May 16, 1960
- (8) Law No. 124, June 30, 1964
- (9) Law No. 61, May 21, 1968
- (10) Law No. 30, April 30, 1980

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<sup>63</sup> Transmitted to the Secretariat by that Government on 1 November 2000. The following pieces of legislation have also been provided by the Government to the Secretariat and are available for consultation from the Codification Division, Office of Legal Affairs: International Criminal Investigation Assistance Law (Law No. 69 of 1980) and the Law of Extradition (Law No. 68 of 1953, as amended by Law No. 163 of 1954, Law No. 86 of 1964 and Law No. 70 of 1978).