

Book II on crimes, Chapter VII on crimes whereby the general security of persons or property is endangered

Article 187 which states:

“Any person who with deliberate intent sets fire, causes explosion or causes a flood, shall be punished: first, by a maximum imprisonment of twelve years if thereby general danger to property is feared; second, by a maximum imprisonment of fifteen years if thereby danger of life for another is feared; and third, by life imprisonment or a maximum temporary imprisonment of twenty years if thereby danger of life for another is feared and the act results in the death of someone.”

Article 187 bis which inter-alia states:

“(1) The person who produces, receives, tries to procure, has in store, conceals, transports or imports into Indonesia stuffs, objects or tools of which he knows or reasonably must suspect that they are intended or will occasionally be used to cause an explosion, whereby danger of life or general danger to property is feared, shall be punished by a maximum imprisonment of eight years or a maximum light imprisonment of one year.

“(2) The defectiveness of the stuffs, objects or tools referred to in the foregoing paragraph, in causing an explosion above described, shall not exempt from liability to punishment.”

This article could be applied against individuals or groups which supply weapons for terrorist activities. Both articles could be applied against terrorist activities carried out both by individuals or groups. Moreover, in certain cases these articles could be linked with other articles relating to criminal acts.

L. ISLAMIC REPUBLIC OF IRAN¹³³

SUMMARY OF LEGISLATION OF THE ISLAMIC REPUBLIC OF IRAN RELATED TO TERRORISM

There are a number of distinct laws in place in the Islamic Republic of Iran that criminalize certain acts that cover some forms of terrorism. These laws cover acts that intend to, or knowingly cause to result in, including but not limited to, murder, bombing or use of explosive or other means to cause destruction and insecurity and/or instill public fear, interference with safety of air navigation including hijacking, interference with safety of oil and other industries as well as

¹³³ Transmitted to the Secretariat by that Government on 27 December 2001 (S/2001/1332, enclosure) and on 19 February 2003 (S/2003/266, enclosure).

of public utilities, and counterfeiting. The short titles of some of these laws are as follows:

- The Islamic Penal Code of 1991 and 1996
- Extradition of Criminals Act of 1960
- Punishment of Perpetrators of Misdemeanor and Felony Against Other Countries Act of 1971
- Entry and Residency of Foreign Nationals in Iran Act of 1921 and Amendments
- Passport Act of 1972 and Amendments
- Punishment of Trafficking of Unauthorized Individuals at Borders Act of 1988
- Augmenting Punishment for Arm Trafficking and of Armed Traffickers Act of 1969
- Augmenting Counter-Measures Against Acts of Terrorism by US Administration Act of 1989
- Combating Narcotic Drug Act of 1998 and Amendments
- Punishment of Saboteurs in Iran’s Oil Industry Act of 1959
- Punishment of Saboteurs in Industries Act of 1959
- Punishment of Saboteurs in Electricity, Water, Gas and Telecommunications Infrastructures Act of 1974
- Punishment of Saboteurs in aircraft safety and sabotage in the equipments and facilities thereto Act of 1970
- Punishment of Offences in the Railway Act of 1932
- Iran’s Atomic Energy Organization Act of 1974
- Presidential Election of the Islamic Republic Act of 1985
- Political and Professional Parties, Societies and Associations Act of 1981
- Punishments for Smuggling of Goods and Foreign Currency Acts of 1995

- The National Aviation Act of 1949
- The Punishments for Saboteurs in Industries Act of 1974
- The Punishment for Kidnapping Act of 1975

Combating the financing of terrorism is addressed in the collection of laws and regulations of the Islamic Republic of Iran as follows:

- Article 43 of the Islamic Penal Code stipulates that whoever encourages, incites, threatens or entices (including financing terrorism) another party to commit a crime or facilitate it, whether the action of each of them is adequate for committing the crime or not and whether the effects of their action are equal or not, he/she shall be considered as an accomplice and shall receive the same punishment as the independent perpetrator of the crime.
- Under Article 610 of the Islamic Penal Code in the case where two or more people come together and collude to act against the internal and external security of the country or acquire means to carry such acts out, they shall be punishable by 2 to 5 years of imprisonment provided that they are not indicted as enemy combatant.

Other provisions related to terrorism include:

- Article 512 of the Islamic Penal Code stipulates that whoever entices or instigates people to wage war or commit murder (including directing them to terrorist acts) with a view to perturbing the security of the State, shall be sentenced to 1-5 years of imprisonment, no matter his/her act leads to loss of life and plunder or not.
- Under Article 183 of the Islamic Penal Code, whoever resorts to arms to wage terror and panic and perturb peace and security shall be considered as “enemy combatant”.
- According to Articles 42 and 43 of the Islamic Penal Law, an accomplice to a crime shall be considered to be culprit and the punishment may be the same as for the main perpetrator(s) of crime.

As regards the recruitment of members of terrorist groups, reference is made to the following provisions:

- Under Clause 5 of Article 156 of the Constitution, legal authorities shall suppress the recruitment by terrorist groups by enforcing crime-preventing mechanisms.
- Under Article 498 of the Islamic Penal Code, whoever, holding any belief, establishes or leads a group, or its affiliates, of more than two

people, inside or outside Iran, under any name or title, with the aim of perturbing the security of the country, other than those considered to be “enemy combatants”, shall be subject to 2-10 years of imprisonment.

– Under Article 499 of the above-mentioned Code, anybody becomes member of those groups or their affiliates, referred to in Article 498, shall be sentenced to 3 months to 5 years of imprisonment, unless it is established that she/he has been unaware of group’s objectives. In addition, recruiting to this effect constitutes a crime in the first place.

– Under Article 507 of the Islamic Penal Code, members of the groups referred to in Article 499 of this Code who cooperates with the legal authorities in identifying criminals or their criminal intentions shall receive pardons.

LI. IRELAND¹³⁴

SUMMARY OF LEGISLATION OF IRELAND RELATED TO TERRORISM

Irish law has not defined terrorism, which has been addressed through the criminal law, in particular the *Offences against the State Acts 1939-1998*. Reference is also made below to aspects of general criminal law which have application to terrorist crime, as well as to legislation giving effect to international conventions to which Ireland is party.

The *Offences Against the State Acts 1939-1998* make provision in relation to actions and conduct calculated to undermine public order and the authority of the State and to regulate and control in the public interest the formation of associations. The Irish Republican Army (IRA) and the Irish National Liberation Army (INLA) have been declared unlawful organizations in accordance with, and for the purposes of, the provisions of those Acts. The *Criminal Law Act 1976* makes it an offence for a person to incite or invite another person to support or assist the activities of such organizations.

The *Offences Against the State Acts 1939-1998* make it an offence to be a member of an unlawful organization. Those Acts also make special provision in relation to evidentiary matters connected with the question of membership of such organizations. The *Criminal Law Act 1976* makes it an offence to recruit another person for an unlawful organization or to incite or invite another person to join an unlawful organization or to take part in or support or assist its activities. Other

¹³⁴ Transmitted to the Secretariat by that Government on 21 December 2001 (S/2001/1252, annex).