

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).

relevant offences include the offence of directing an unlawful organization and training persons in the making or use of firearms or explosives for which provision was made in the *Offences Against the State (Amendment) Act 1998*.

An overview of the penalties provided under the relevant legislation related to some multilateral counter-terrorism conventions is as follows:

(a) *Convention on Offences and Certain Other Acts Committed on Board Aircraft* and *Convention for the Suppression of Unlawful Seizure of Aircraft*: The criminal acts referred to in these Conventions are established as offences by section 11 of the *Air Navigation and Transport Act 1973* and punishable by a maximum sentence of imprisonment for life;

(b) *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*: The criminal acts referred to in the Convention are established as offences by section 3 of the *Air Navigation and Transport Act 1975* and punishable by a maximum sentence of imprisonment for life;

(c) *Convention on the Physical Protection of Nuclear Material*: The criminal acts referred to in the Convention are established as offences by section 38 of the *Radiological Protection Act 1991* and punishable by a maximum sentence of imprisonment for life;

(d) *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, complementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft*: The criminal acts referred to in the Convention are established as offences by section 3 of the *Air Navigation and Transport Act 1975* and section 51 of the *Air Navigation and Transport (Amendment) Act 1998* and punishable by a maximum sentence of imprisonment for life.

Dedicated offences under the *Offences Against the State Acts 1939-1998* also attract severe maximum penalties: membership of an unlawful organization (7 years); recruiting etc. for an unlawful organization (10 years); directing an unlawful organization (life imprisonment); training persons in the making or use of firearms etc. (10 years). The maximum penalties which apply to offences commonly associated with terrorist actions, including explosives and firearms offences, have also been pitched at the higher end of the scale for deterrence purposes.