

and subversion of the democratic order; in articles 285 and 286 regarding devastation, multiple murder, looting, and civil war; in article 306 governing armed organisations; in article 280 which lays down the penalties for attacks designed for the purposes of terrorism and subversion; in article 289-bis relating to the abduction of persons for terrorist purposes or to subvert democratic order.

Pursuant to Decree Law 374/2001, Italy's legislation to protect law and order and to combat the subversion of the democratic system are now also applicable to crimes that are committed for the purposes of international terrorism. In particular, mention should be made of the following measures: the possibility of conducting police searches to discover weapons and explosives, without requiring the intervention or authority of the Courts (Section 4 of Law 152/1975); the seizure and confiscation of buildings in which weapons have been discovered (Section 5 of Law 533/1977); the detention of persons refusing to provide personal particulars or who are without identity documents (Section 11 of Law 191/1978); the statutory requirement to notify the authorities of assignments of property or the use and enjoyment of a building (Section 12 of that same Act).

In addition to this, the Italian legal system makes provision pursuant to Section 1 of law 15/1980 for aggravating circumstances, so that it is possible to proceed not only in respect of specified crimes related to this field, but also by charging suspects of ordinary crimes with the aggravating circumstances of having acted with the intention to commit acts of terrorism or the subversion of the democratic order.

LIV. JAPAN¹³⁸

SUMMARY OF LEGISLATION OF JAPAN RELATED TO TERRORISM

As regards Japanese counter-terrorism legislation and executive measures, reference is made to the following:

- Foreign exchange and foreign trade law (law no. 228 of 1949)
- Export trade control order (executive order no. 414 of 1949)
- Foreign exchange order (executive order no. 260 of 1980)
- Law concerning prevention of injury to persons caused by sarin (law no. 78 of 1995)

¹³⁸ Transmitted to the Secretariat by that Government on 27 December 2001 (S/2001/1306, enclosure) and 29 January 2003 (S/2003/269, enclosure).

- Narcotics and psycho tropics control law (law no. 14 of 1953)
- Law of opium (law no. 71 of 1954)
- Hemp control law (law no. 124 of 1948)
- Stimulants control law (law no. 252 of 1951)
- Law controlling possession, etc. of firearms and swords (law no. 6 of 1958).
- The act regarding the control of organizations which committed indiscriminate mass murder (law no. 147 of 1999)
- Subversive activities prevention act (law no. 240 of 1952)
- Law for punishment of organized crimes, control of crime proceeds and other matters (law no. 136 of 1999)
- Immigration control and refugee recognition act (law no. 319 of 1951)
- The three principles on arms export (declaration at the diet session in 1967)

As regards the financing of a crime, under the Penal Code, when a principal offender commences the commission of a crime, the provision or collection of funds is punishable as aiding and abetting, or as complicity. However, if the principal did not commence the commission of a crime, the provision or collection of funds is not punishable under the Penal Code.

The “Law concerning Prevention of Injury to Persons Caused by Sarin” (Law No. 78 of 1995) stipulates that, regardless of whether a principal offender commences the commission of a crime, the provision of funds for emission, production and importation of the prohibited substances including sarin, with the knowledge that the funds would be used for such action, is by itself punishable. Similar stipulations are provided in “Narcotics and Psycho tropics Control Law” (Law No. 14 of 1953), “Law of Opium” (Law No. 71 of 1954), “Hemp Control Law” (Law No. 124 of 1948), “Stimulants Control Law” (Law No. 252 of 1951), “Law Controlling Possession, etc. of Fire-Arms and Swords” (Law No. 6 of 1958) and other laws.

Generally, the financing of criminal acts, according to the Penal Code in Japan, is regarded as aiding and abetting such acts; therefore, under Japan's Penal Code the financing of an act regarded as an act of terrorism is also punishable, once the commission of the act is commenced. Under the current legal system in Japan, the crime of financing is stipulated with regard to the several specific

criminal acts, and in cases where particular terrorist acts constitute such criminal acts, the financing thereof may be subject to punishment.

As regards the recruitment for terrorist groups, reference is made to “The Act Regarding the Control of Organizations Which Committed Indiscriminate Mass Murder (Law No. 147 of 1999)”, which stipulates that a group which has committed indiscriminate mass murder as an organizational activity is to have its activities investigated and placed under observation and that necessary measures will be taken to prevent the recurrence of such act.

Action for prevention of recommitment of indiscriminate mass murder is taken in cases where conditions require that an organization be placed under surveillance, and in cases where officials or members of the organization concerned have forced or attempted to force a person to join that organization concerned. The measure includes:

- 1) prohibition of acquisition of land or buildings;
- 2) prohibition of use of specific land or building owned or managed by the organization concerned;
- 3) ban on a person who participated in the said indiscriminate mass murder or who was an official of the organization concerned at the time the said indiscriminate mass murder was carried out from participating in or engaging in all or a part of the activities of the organization concerned;
- 4) prohibition against forcing or soliciting entry into the organization concerned;
- 5) prohibition or restriction of receipt by organization of donation of money, articles or other property interests.

Any person who contravenes the above-mentioned measures shall be liable to penalties.

Furthermore, the “Subversive Activities Prevention Act (Law No. 240 of 1952),” in order to contribute to the maintenance of public safety, stipulates necessary regulatory measures against an organization that is engaged in subversive activities that were intrinsic activities of the organization.

In June 2002, the “Act on Punishment of Financing to Offences of Public Intimidation” (hereinafter referred to as “the Act”) was enacted as a measure to implement the International Convention for the Suppression of the Financing of Terrorism. Under this Act, financing of terrorism was criminalized and included in the list of predicate offences in the Anti-Organized Crime Law.

It became possible thereafter to regard funds collected or provided in order to carry out terrorism acts as crime proceeds, and to secure the funds for confiscation and collection of equivalent value. Financial institutions are also required by the Anti-Organized Crime Law to report to the Japanese Financial Intelligence Officer (JAFIO) transactions that they suspect are related to the financing of terrorism. The JAFIO classifies and analyzes the information on the reported suspicious transactions, and provides law enforcement authorities with information relevant to their investigation.

LV. JORDAN¹³⁹

SUMMARY OF LEGISLATION OF JORDAN RELATED TO TERRORISM

(a) Penal Code

On 8 October 2001, the Government promulgated an act amending the Jordanian Penal Code and imposing severe penalties on any action regarded as an act of terrorism. This amendment criminalizes the use of force or threat of force to carry out an individual or collective act aimed at disturbing public order or endangering public safety and security, where such act is liable to spread alarm and terror among the populace or jeopardize their lives and security, causing damage to the environment, public facilities or property, private property, international facilities or diplomatic missions, occupying or taking over such premises, endangering national resources or causing suspension of the application of the provisions of the Constitution and laws.

It imposes the penalty of hard labour for life where such an act results in any of the following:

- (a) Damage, even partial, to a public or private building, an industrial establishment, a vessel, aircraft or any means of transport or other facilities;
- (b) The disabling of means of communication and computer systems, the disruption of their networks or the total or partial disabling or damaging of means of transport.

Moreover, it imposes the death penalty in any of the following cases:

- (a) If the act results in the death of a person;

¹³⁹ Transmitted to the Secretariat by that Government on 28 January 2002 (S/2002/127, enclosure) and 11 December 2002 (S/2003/16, enclosure).