

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).

(b) If the act causes the total or partial destruction of a building in which one or more persons are present;

(c) If the act is committed using explosive or inflammable materials or poisonous, incendiary, infectious, bacteriological, chemical or radioactive agents or the like.

In addition, a term of hard labour is imposed on any person who manufactures or knowingly procures or transports any explosive material or any of the materials mentioned in subparagraph (c) or any of the components of such materials in the execution of terrorist acts or in order to enable another person to use them for that end.

This amendment also criminalizes banking transactions related to terrorist activities, inasmuch as article 147, paragraph 2, of the Jordanian Penal Code (No. 16 of 1960 and amendments thereto) provides as follows:

“Any act relating to any banking transaction, in particular the deposit of funds in any bank in the Kingdom or in any financial institution engaging in banking operations or the transfer of such funds by them to any party whatsoever shall be deemed a terrorist offence if it emerges that such funds are suspect and related to a terrorist activity. In this case the following measures shall apply:

“(a) Preventive seizure of such funds by a decision of the Prosecutor General and prohibition of their use until such time as investigatory measures have been taken;

“(b) Investigation of the case by the Prosecutor General, acting in coordination and cooperation with the Central Bank and any domestic or foreign party concerned; if he finds that the banking transaction in question is related to a terrorist activity, the case shall be referred to the competent court;

“(c) Any person who commits such a crime shall be liable to a term of hard labour, and the staff member of the bank or financial institution who was responsible for effecting the transaction, if he had a knowledge of the facts, shall be liable to imprisonment. The funds seized shall be permanently confiscated.”

The Penal Code also incorporates provisions criminalizing and penalizing persons who form gangs and groups for a criminal or terrorist purpose. Any recruitment activities are deemed an offence punishable under article 141 of the Penal Code, which provides as follows:

“Any person who, without the consent of the authorities, proceeds to assemble armed factions, enrol or recruit troops or equip or supply them with weapons and ammunition shall be liable to imprisonment for a term of not less than five years.”

Articles 143, 144 and 159 of the Penal Code also criminalize the formation of armed gangs or unlawful groups that aim at the destruction of government assets and property and the commission of terrorist acts, inasmuch as the Code makes the perpetrators of such acts liable to a term of hard labour.

Article 145 of the Penal Code also lays down the inadmissibility of the acquisition of weapons, explosive or inflammable materials, poisonous or incendiary agents or components used in their assembly or fabrication, inasmuch as it punishes the perpetrator of such acts by a term of hard labour, even if such acts are not completed or produce no result.

The collection of funds by terrorist organizations and other illegal organizations is punishable under the above-mentioned article 162 of the Penal Code.

(b) Other legislation

With regard to the activities and aims of societies, associations and civil society institutions, the Societies and Associations Act governs the way in which they are monitored. This Act stipulates that the statutes of any association must set forth in detail its main aims and the way in which they are to be attained, as well as details of oversight of its financial affairs and the manner of disposal of its funds, assets and income (article 6 of the Law).

Article 14 of the Act also gives the competent minister the power to examine periodically the financial records of licensed societies and associations and the power to dissolve any society, association or union that denies the examiners permission to check its financial records or in the event of financial activity at variance with the purposes for which it was founded, as set forth in its statutes and the licence issued to it. Again, under article 7 of the Companies Act in force, the Minister of Industry and Trade has the right to monitor non-profit companies insofar as their aims, the sources of their financing and their expenditures are concerned.

Furthermore, the Arms and Ammunitions Act prohibits the carrying or acquisition of firearms except by the regular armed forces and public security personnel. Under this Act, the transport, manufacture and trafficking of such weapons is prohibited. Article 11 (a) of this Act provides as follows:

“(a) Any person who manufactures, imports, obtains, transports, sells or brokers the purchase or sale of any gun or automatic weapon without a licence for the purpose of its use in an unlawful manner shall be liable to execution, and the weapon shall be confiscated.”

With regard to the prohibition of the circulation and possession of nuclear weapons or radioactive sources used in the manufacture of such weapons, the Government has promulgated a special act regulating issues relating to the use

of nuclear energy. The Act on Nuclear Energy and Radiation Protection (No. 29 of 2001) prohibits any person setting up, operating or administering a nuclear installation in the Kingdom or circulating, importing, exporting, using, dealing in, obtaining, trafficking in, operating, leasing, transporting, stockpiling, destroying, disposing of or producing any radioactive materials or any radioactive sources. This includes research, pulverization, fission, extraction, conversion, mining or fabrication (article 15). The ban imposed by this legislative provision is of a comprehensive nature. With regard to the penalties provided for a violation of article 15 of the above-mentioned Act, article 23 therein reads:

“Any person who contravenes the provisions of articles 15 and 18 of this Act shall be liable to a term of imprisonment of not less than one year and not more than three years or a fine of not less than 10,000 dinars and not more than 30,000 dinars, or both these penalties.”

LVI. KAZAKHSTAN¹⁴⁰

1. SUMMARY OF LEGISLATION OF KAZAKHSTAN RELATED TO TERRORISM

The Act “On combating terrorism”, adopted on 13 July 1999, relates directly to anti-terrorism issues and lays down the legal and organizational bases for combating terrorism in Kazakhstan, the operating procedure for State bodies and organizations, irrespective of their form of ownership, and citizens’ rights, obligations and safeguards in matters relating to the campaign against terrorism.

According to article 10 of the Act, the advocacy of terrorism and the establishment, registration or operation of terrorist organizations and unlawful militarized groupings are prohibited in the territory of the Republic of Kazakhstan. In accordance with article 20, persons taking part in terrorist activity incur criminal liability as envisaged in the respective legislation.

In addition, the Criminal Code establishes the list of offences to be considered as terrorist offences, which carry sanctions ranging from four to fifteen years’ imprisonment, including in the following articles:

- *Article 162*: Recruitment, training, funding or other material support of a mercenary;
- *Article 163*: Attack on a person or organization enjoying international protection;

¹⁴⁰ Transmitted to the Secretariat by that Government on 26 December 2001 (S/2001/1307, enclosure), 17 September 2002 (S/2002/1087, enclosure) and 4 September 2003 (S/2003/862, enclosure).