

LVII. KUWAIT ¹⁴¹

SUMMARY OF LEGISLATION OF KUWAIT RELATED TO TERRORISM

The Penal Code, as amended, considers as criminal offences a number of acts and activities that can be classified as terrorist acts. The relevant provisions and their respective penalties are as follows:

- *Article 170* - The crime of hijacking ships, aircraft or any other means of maritime or air transport for the purpose of causing harm to persons or things; five to 15 years' imprisonment.
- *Article 171* - The crime of threatening the lives of persons or things transported on public roads with destruction thereof or with the giving of hijacking instructions or exhortations; five to 15 years' imprisonment.
- *Article 249/250* The crime of destroying public facilities and public resources; imprisonment.
- *Article 251* The crime of sinking or damaging ships; seven to 10 years' imprisonment.
- *Article 252* - Acts of piracy at sea, consisting in the attacking of vessels on the high seas for the purpose of taking possession thereof or of goods carried thereon; imprisonment.
- *Article 4* - The crime of assembling an army without the permission of the Government; not less than 3 years' imprisonment.
- *Article 29* - The crime of incitement to overthrow the regime by force; more than 10 years' imprisonment.
- *Article 30* - The crime of participating in banned organizations; ten to 15 years' imprisonment.
- *Article 34* - The crime of participating in assembly for the purpose of committing crime or assembly involving a breach of public order; one to 5 years' imprisonment.
- *Article 35* - The crime of using explosive substances to kill persons, to create panic or to cause destruction; imprisonment.

¹⁴¹ Transmitted to the Secretariat by that Government on 19 December 2001 (S/2001/1221, enclosure) and 17 July 2002 (S/2002/886, enclosure 1).

Law No. 1991/13 Prohibition against the unauthorized possession of weapons and ammunition of any type or size; five to seven years' imprisonment, with doubling of the penalty in case the offence is repeated.

In addition, the Penal Code criminalizes terrorist acts and curbs terrorism under the text of articles 48 and 52; although the text does not explicitly mention or identify "terrorist crimes", article 48 specifies:

"The following shall be regarded as an accomplice in the crime before it is committed:

1. Any person who instigates the commission of an act constituting a crime ...
2. Any person who agrees with another to commit an act constituting a crime ...
3. Any person who, by any means whatever, knowingly assists the perpetrator in actions in preparation for a crime ..."

Similarly, paragraph 1 of article 52 of that law specifies that "any person who participates in a crime before it is committed shall be liable to punishment, except where the law prescribes otherwise".

Under these two provisions, terrorist acts may be included among the crimes to which these punishments apply since such acts are considered to be one form of participation in the crime by instigating it, consenting to it or assisting in it.

As regards the recruitment for terrorist groups, article 4, paragraph 1, of law No. 31 of 1973 amending certain provisions of the Penal Code, provides that "any person who without authorization from the Government assembles an army or commits any other act of aggression against a foreign State such as may expose Kuwait to the risk of war or severance of diplomatic relations shall be punished by not less than three years' imprisonment".

As regards the possession and use of weapons and explosives without authorization, articles 1 to 5 of law No. 35 of 1985 on explosives offences lays down penalties ranging from fixed-term or life imprisonment to death for any person who commits any of the following crimes:

1. Use of or attempted use of explosives for the purpose of killing persons, creating panic or damaging buildings or utilities;
2. Use of or attempted use of explosives in such a manner as to endanger the lives of persons or their property;

3. Acquisition, possession, manufacture, procurement, importation, exportation, transportation of or trafficking in or any attempt at the aforementioned acts before obtaining authorization on the conditions laid down by the Minister of the Interior;

4. Training or inciting persons to manufacture or use explosives for the purpose of using such persons for the achievement of an unlawful end, or any attempt at such acts;

5. Failure to notify the competent authorities of knowledge of the existence of a plan to commit any of the offences set forth in the preceding clauses or knowledge of the occurrence thereof or assisting the offender to flee from justice by hiding him or by concealing or destroying evidence of the offence or concealing the objects used or prepared for use in commission of the offence or emanating from it.

Under the provisions of these legislative texts and the provisions relating to complicity in a crime prior to its commission, recruitment to terrorist groups and the provision of weapons, ammunition or explosives to terrorists are covered by Kuwaiti criminal law.

In addition, article 48 (3) of the Penal Code provides that any person shall be regarded as an accomplice “who, by any means whatever, knowingly assists the perpetrator in actions in preparation for a crime and the crime occurs on the basis of such assistance”.

Article 53 of the Code provides that “an accomplice in the crime before it is committed shall be liable to the penalty laid down for the crime, even if it is committed other than in the manner intended or if the crime committed is other than the one in which he intended to participate, where the manner of implementation or the crime actually committed is a probable result of the acts of participation committed by him”.

LVIII. KYRGYZSTAN¹⁴²

SUMMARY OF LEGISLATION OF KYRGYZSTAN RELATED TO TERRORISM

Anyone who commits a crime against public security (relating to terrorism) is liable under Kyrgyzstan’s criminal legislation and in particular the following provisions of the Criminal Code: articles 226 (Terrorism), 227 (Taking of hostages), 228 (Intentional supplying of false information about a terrorist act), 229 (Organization of or participation in illegal armed groups), 230 (Banditry), 231

¹⁴² Transmitted to the Secretariat by that Government on 25 February 2002 (S/2002/204, enclosure) and 22 July 2003 (S/2003/776, enclosure).