

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. KYRGYZSTAN<sup>142</sup>**

### **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

---

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

(Creation of a criminal association (criminal organization)), 232 (Hijacking of air or maritime transport or of railway rolling stock) and 233 (Mass disturbances). Furthermore, the following provisions are also relevant: articles 375 (Mercenarism), 229 (Organization of an illegal armed unit or participation in it, article 231 (Organization of a criminal association), article 241 (Illegal acquisition, transfer, sale, storage, transport or carrying of firearms, ammunition, explosive substances and explosive devices), article 242 (Illegal manufacture of weapons) and article 245 (Theft or extortion of firearms, ammunition and explosive substances).

Under the Criminal Code, terrorism is defined as “carrying out an explosion, arson or other acts that create the danger of loss of life, cause extensive property damage or lead to other publicly dangerous consequences, if these actions are committed in order to breach public security, frighten the population or influence the taking of decisions by the Government bodies, and also the threat of these actions for such purposes”

The recruitment of persons is considered a crime if it is conducted in order to involve such persons in the commission of criminal acts and is punishable by imprisonment for up to five years; in cases in which this offence has caused injury to the life and health of a person, it is punishable by imprisonment for up to 10 years.

In accordance with article 375 of the Criminal Code, “the recruitment, training, financing or other material assistance for a mercenary, or the use of a mercenary in an armed conflict or military operations” are punishable by imprisonment for up to eight years. The same acts carried out by a person using his official position or in respect of a minor are punishable by imprisonment for up to 15 years with confiscation of property.

The illegal creation of an armed unit (association, detachment, militia unit or other group), leadership of such a unit or participation in it are punishable by imprisonment for up to seven years (article 229 of the Criminal Code).

The creation of a criminal association (criminal organization) in order to commit serious or particularly serious crimes and also leadership of such an association (organization) or its component structural subdivisions, and also the establishment of an association of organizers, leaders or other representatives of organized groups for the purpose of drawing up plans and creating the conditions for committing serious or particularly serious crimes is punishable by imprisonment for a period of 10 to 15 years (article 231 of the Criminal Code).

Criminal liability has been established for “the illegal acquisition, transfer, sale, storage, transport or carrying of firearms, ammunition, explosive materials and explosive devices” (which are punishable by arrest for a period of six months or imprisonment up to three years with a fine amounting to 200 to 500 times the minimum monthly salary). The same acts, committed by a group of persons on the basis of prior agreement or repeatedly, are punishable by

imprisonment for a period of two to six years. Acts committed by an organized group are punishable by imprisonment for a period of three to eight years.

A reward is established for providing information to the law enforcement bodies leading to the arrest or conviction of persons who have taken part in terrorist activities as well as the prevention or stopping of a terrorist act, and steps are taken not to publicize information about persons who have provided assistance (article 8).

In suppressing terrorist activities or an individual terrorist act, special measures are used as established by the legislative enactments of the Kyrgyz Republic, including the physical elimination of terrorists (article 9).

Pursuant to article 13 of the Penal Code, terrorism (article 226 of the Penal Code) has been placed under the category of particularly serious crimes and is punishable by up to 20 years' imprisonment.

In accordance with the Penal Code:

(1) Terrorism, namely the carrying out of an explosion, arson attack or other acts that endanger the lives of people, cause significant destruction to property or other consequences hazardous to the public, if such acts are committed with the aim of undermining public security, terrorizing the population or influencing the decisions of government bodies including threats to commit the above-mentioned acts with the same aims are punishable by imprisonment for five to 10 years.

(2) The same acts, committed:

(1) By a group of individuals according to prior agreement;

(2) Repeatedly;

(3) With the use of firearms

are punishable by eight to 15 years' imprisonment.

(3) Acts provided for in the first and second sections of this article, if they are committed by an organized group or have caused through carelessness the death of a person, or have other grave consequences, are punishable by imprisonment for 15 to 20 years.

It should however be noted that criminal liability is waived if a person involved in preparing an act of terrorism gives timely warning to the authorities or by some other means helps to prevent the commission of the act in question, providing that he has committed no other crime.

In accordance with article 227 of the above-mentioned Code:

(1) Abduction of persons or hostage-taking with the aim of forcing a State, international organization, or legal or physical person to carry out or to refrain from carrying out a particular act as a precondition for freeing the hostage is punishable by five to 10 years' imprisonment.

(2) The same acts, if they are committed:

- (1) By a group of individuals by prior agreement;
- (2) Repeatedly;
- (3) By an organized group;
- (4) With the use of physical force endangering the lives or health of people, or by threat of murder;
- (5) With the use of weapons or other objects that may be used as weapons;
- (6) Against two or more persons;
- (7) Knowingly against a minor;
- (8) Against a woman, whom the perpetrator knows to be pregnant;
- (9) For mercenary motives or hiring,

are punishable by eight to 15 years' imprisonment.

(3) Acts envisaged in paragraphs (1) and (2) of this article, if they are committed by a criminal association or have caused through carelessness the victim's death, or have caused serious harm to his health or other grave consequences, are punishable by 12 to 20 years' imprisonment.

It should be noted that criminal liability is waived for a person who has voluntarily freed a hostage, providing that he has committed no other crime.

Article 228 of the Penal Code provides that a deliberately false communication concerning an imminent explosion, arson attack or other acts endangering the lives of people or causing significant destruction to property or other serious consequences is punishable by a fine of between 50 and 300 times the minimal monthly salaries, or 180 to 240 hours community work, or detention for three to six months, or imprisonment for up to three years.

In accordance with article 229 of the Criminal Code, the organization of or involvement in an illegal armed grouping,

(1) The establishment of an unlawful armed unit (association, brigade, militia or other group) and the leadership of such a unit are punishable by two to seven years' imprisonment.

(2) Involvement in an armed unit is punishable by up to six months' detention or up to five years' imprisonment.

It should be noted that criminal liability is waived for a person who has voluntarily ceased his involvement in an unlawful armed unit and has surrendered his weapons, providing that he has committed no other crime.

## **LIX. LATVIA<sup>143</sup>**

### **SUMMARY OF LEGISLATION OF LATVIA RELATED TO TERRORISM**

Section 88 of the Criminal Law of Latvia foresees the criminal liability for committing terrorist acts in the Republic of Latvia in the following way:

“(1) For a person who commits causing an explosion or fire, or other intentional acts directed towards destruction of human beings or infliction of bodily injury to or other harm to the health of human beings, or commits destruction or damaging of enterprises, structures, oil or gas lines, power lines, transport routes and means of transport, telecommunications networks or other property with the purpose of harming the Republic of Latvia or its inhabitants, or commits, for the same purpose, mass poisoning, or spreading of epidemics and epizootic diseases,

the applicable sentence is life imprisonment or deprivation of liberty for a term of not less than eight and not exceeding twenty years, with confiscation of property.

(2) For a person who, employing explosion, fire or other generally dangerous means, intentionally commits violent acts, dangerous to life or health, against persons, or destruction or damaging of the property of another person, or commits the threatening of such acts, presented as a term of cessation of the violent acts, where there is reason to believe that these threats may be carried out, with purpose of inducing the State, its institutions or international organizations to take any action or refrain there from,

---

<sup>143</sup> Transmitted to the Secretariat by that Government on 28 December 2001 (S/2002/9, enclosure).