

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

As far as the criminalization of wilful provision or collection of funds with the intention that these financial resources should be used in order to carry out terrorist acts, the Criminal Law foresees that such actions shall be criminalized as participation in the execution of acts stated in the Section 88 of the Law.

As regards the recruitment for terrorist groups, relevant provisions are contained in the law “On Social Organizations and Associations”. If in the process of the functioning of the social organization or association it contravenes with the aforementioned legislation and international agreements, the responsible state institutions shall dismiss such an organization on the grounds of article 37 of the aforementioned Law (including if the organization as an entity is purposely committing criminal offences). In addition, it is forbidden by the Law to establish military or armed units in the territory of Latvia. Furthermore, the social organizations and associations are forbidden to arm their members and to organize military training (article 17 of the Law).

LX. LEBANON¹⁴⁴

SUMMARY OF LEGISLATION OF LEBANON RELATED TO TERRORISM

Penalties for terrorist offences are provided by articles 314 to 316 of the Lebanese Penal Code. Articles 217 to 222 of the Code penalize anyone who incites, participates in or is an accessory to the commission of crimes, including terrorism. Lebanese jurisprudence regards the person who finances a crime as an accessory to it, and the penalty for the accessory is the same as for the perpetrator when it is evident that without his assistance the crime would not have been committed.

This rule is applied whether an act of terrorism is financed within or by way of Lebanese territory (such as bank financing through a bank in Lebanon). It is sufficient for this purpose for one of the elements of a crime of terrorism or attempted terrorism to be committed in Lebanese territory, or for a constitutive act of primary or secondary implication to occur there, or for its outcome to occur or be expected to occur there. It makes no difference whether the person providing funding is Lebanese or not (Penal Code, article 15).

¹⁴⁴ Transmitted to the Secretariat by that Government on 13 December 2001 (S/2001/1201, annex) and 21 June 2002 (S/2002/728, annex).

The same provisions apply to Lebanese nationals who finance terrorist operations from abroad, even if the acts are committed outside Lebanese territory (Penal Code, article 20).

They also apply to all foreigners or stateless persons residing or present in Lebanon who finance terrorist activities abroad if extradition is not requested or not granted.

Article 314 of the Penal Code, the Arms and Ammunition Law (No. 137/59) and Law No. 318/2001, stipulate that anyone suspected of a punishable offence in the terrorism field or of illegal possession of arms and ammunition must be investigated, arrested and prosecuted. Penalties are applied whenever persons involved in terrorist activities commit acts that constitute terrorist offences as understood by Lebanese law.

Lebanese legislative enactments impose penalties for terrorism that can include the death penalty. The law promulgated on 11 January 1958 imposes for every terrorist act a penalty of hard labour for life, and the penalty becomes death if the terrorist act causes the death of a person, or the partial or total destruction of a building in which a person is present, or the destruction, even the partial destruction, of a public building, industrial establishment, ship or other installation, or the disruption of information, communications or transport.

Complicity in the perpetration of crimes, generally speaking, is governed by articles 219 to 221 of the Penal Code.

Pursuant to article 219, the following are considered accessories to a felony or misdemeanour:

- Anyone who, by any means, strengthens the intention of the perpetrator;
- Anyone who, for material or immaterial advantage, accepts an offer by the perpetrator to commit a crime;
- Anyone who assists or supports the perpetrator in acts that prepare or facilitate the crime;
- Anyone who agrees with the perpetrator or any accessory to the crime prior to its commission or helps to conceal its character or to conceal or dispose of things derived from it;
- Anyone who is aware of the criminal conduct of wrongdoers who engage in brigandage or the perpetration of acts of violence against the State or public safety or against individuals or property and offers them food, shelter, a hiding place or a meeting place.

Under article 220, an accomplice without whose assistance the crime would not have been committed is subject to punishment as though he himself were the principal; all accomplices are sentenced to hard labour either for life or for a period ranging from 10 to 20 years if the principal receives the death sentence;

In addition, ways of preventing the financing of terrorist acts are included among the measures provided for in Law No. 318 of 20 April 2001 and decision No. 7818 of the Governor of the Bank of Lebanon of 18 May 2001, both of which relate to the suppression of money-laundering, including operations for the financing of terrorism.

Law No. 318 defines illicit funds as including, within the meaning of that Law, those connected with terrorist offences as provided in articles 314 to 316 of the Lebanese Penal Code, which also, in its articles 217 to 222, inclusive, provides penalties for the abetting of or participation or complicity in the commission of such offences.

Law No. 318 makes it incumbent both on institutions not subject to the Banking Secrecy Law (article 4) and on banking institutions subject to that Law (article 5) to monitor the transactions carried out by them with their clients, with a view to the elimination of any involvement thereof in suspicious transactions, and to report immediately (article 7) to the special board of inquiry created under the said Law (article 6), in detail, any transactions they suspect of concealing money-laundering operations, including operations for the financing of terrorism.

Lebanese legislation deals with the prohibition of financing of terrorism as distinct from money-laundering through the Penal Code, articles 217 to 222 of which provide penalties for anyone who abets, participates in or is an accessory to the commission of crimes, including terrorist offences. The latter offences are defined by articles 314 to 316 of the Code, which sets the penalties to be imposed on their perpetrators. According to Lebanese precedent, anyone who participates in the financing of such offences is considered an accessory thereto and is given a penalty equal to that of the principal, provided that such financing proves to have been of assistance in the commission of the offence.

On the basis of the Penal Code, the fact that recruitment of members of terrorist groups is an act of incitement to the commission of a crime entails the application of the provisions of articles 335 to 339, which establish the act of forming an unlawful association as a crime, and article 316, which relates to crimes against the internal security of the State and terrorism, coupled with articles 217 and 218 of the Penal Code, which criminalize incitement to the commission of a crime and make the inciter subject to a penalty identical to the punishment for the crime which he induces or attempts to induce another person to commit.

Consequently, anyone who recruits members of terrorist groups in Lebanon for the purpose of committing the crimes enumerated above is subject to the same punishment as for the crime of terrorism.

The relevant provisions are as follows:

Article 316

Any association established with intent to change the economic and social nature of the State or the fundamental conditions of society by any of the means referred to in article 314 shall be dissolved and its members condemned to a term of hard labour. The penalty for the founders and directors shall be not less than seven years.

Article 314

Terrorist acts means all acts aimed at creating a state of terror which are committed by means such as explosive devices, inflammable materials, poisonous or incendiary products or infectious or microbial agents likely to create a public hazard.

Inasmuch as the formation of unlawful or secret associations constitutes an offence punishable under the Lebanese Penal Code, recruiting, collecting funds or soliciting other forms of support for terrorist acts or terrorist activities inside or outside Lebanon constitutes an offence, since such acts consist either in incitement to or complicity in the crime of forming an unlawful or secret association.

Other relevant legal provisions from the Penal Code include:

Article 335, which provides penalties for anyone who forms an association or makes a written or verbal agreement with the intent to commit felonies against persons or property or to detract from the authority or dignity of the State.

Article 373, which provides that an association shall be considered secret if its purpose is incompatible with the law and it carries out all or some of its acts in secret.

Article 338, which provides for the dissolution and the confiscation of the property of any and all secret associations.