

LXI. LIBYAN ARAB JAMAHIRIYA¹⁴⁵

SUMMARY OF LEGISLATION OF THE LIBYAN ARAB JAMAHIRIYA RELATED TO TERRORISM

(a) Penal Code

Despite the fact that Libyan legislation has yet to criminalize “terrorist acts” in the manner that has become customary at the international level, such acts are no different from the “criminal activities” penalized by Libyan criminal laws under other designations. This includes criminal activities relating to the direct or indirect provision or collection of funds to be used or intended to be used in “terrorist acts” Such activities are prohibited by law and are serious crimes, so that the judicial authorities may take the measures necessary to prevent them and may freeze any funds associated with them or take possession of them, prevent their use or even confiscate them.

Article 168 of the Penal Code makes it a criminal offence to enlist recruits or to engage in any acts of aggression against foreign countries. The provision is of a broad and general character, inasmuch as it covers any and all hostile activities against other States. There can be no doubt that terrorist acts and the supply of weapons to terrorists are in the forefront of such activities. Under article 100 of the Penal Code, to provide a criminal with a weapon is to be an accessory to the crime and is punishable by imprisonment for a term, life imprisonment or even the death penalty if there are aggravating circumstances.

Aggression against persons is considered an offence punishable under the law irrespective of whether the person against whom it is committed is a national or a foreigner, for the object of the protection of the law is the human being, regardless of his nationality, origin or religion. This is true whether the aggression is committed against the person, as in the case of crimes against his life or safety (Penal Code, articles 368-379), his dignity (articles 407-424), his freedom (articles 425-437) or his honour (articles 438-443), or whether it is committed against his property, as in the case of theft and other similar offences (articles 444-446). Inasmuch as the crime involves aggression against a right protected by law, it is irrelevant whether the victim of the aggression is a Libyan or a foreigner and no distinction is made between the two.

Moreover, under the provisions of Book Two, chapter III, of the Penal Code, which relates to felonies and misdemeanours against foreign States, those offences include aggression against foreign heads of State, which is punishable by imprisonment for a term ranging up to life, depending on the case (article 218);

¹⁴⁵ Transmitted to the Secretariat by that Government on 26 December 2001 (S/2001/1323, annex) and 28 August 2002 (S/2002/1021, enclosure). Information was also provided in respect of Law No. 6 of 1987 regulating the entry of aliens to Libya, their residence in the country and departure there from.

attacks against the freedom of foreign heads of State, the penalty for which is imprisonment (article 219); acts disgracing foreign heads of State in Libyan territory or attacks on their honour, which are punishable by imprisonment for a term of not less than five years (article 220); aggression against representatives of foreign States accredited in Libya, to which the provisions of the three preceding articles apply (article 221); and aggression against the flag of a foreign State or an international organization, which is punishable by imprisonment (article 222). As for article 168, it relates to the offence of recruitment or mobilization against a foreign State or the perpetration of hostile acts against such a State that are likely to expose the Libyan Arab Jamahiriya to the risk of war or the severance of diplomatic relations with the State concerned or to lead to retaliation against it or against its nationals, wherever they may be.

(b) Act No. 29/1994 concerning weapons and ammunition

Libyan Act No. 29/1994 prohibits the acquisition, possession and manufacture of and trade in weapons, ammunition and explosives of any kind by any person not licensed therefore by the competent authority. Detailed definitions of weapons are provided in lists annexed to the Act and are extended to include edged weapons, such as knives. The Act specifies the procedures for the granting of licences to individuals for the possession of weapons and establishes stringent conditions and restrictions in that regard.

The Act establishes the penalty of life imprisonment for anyone who possesses, acquires, buys, sells, delivers, transports or presents any arms, ammunition or explosives for the purposes of trafficking or traffics in them in any manner whatsoever outside of the cases specified in the Act.

LXII. LIECHTENSTEIN¹⁴⁶

1. LAW ON AMENDMENT OF THE CRIMINAL CODE (STRAFGESETZBUCH, StGB)

AMENDMENT OF EXISTING LAW

The Criminal Code (Strafgesetzbuch, StGB) of 24 June 1987, Liechtenstein Legal Gazette (Liechtensteinisches Landesgesetzblatt, LGBl.) 1988 No. 37, in the version of the Law of 25 October 2000, LGBl. 2000 No. 256, shall be amended as follows:

¹⁴⁶ Transmitted to the Secretariat by that Government on 21 December 2001 (S/2001/1253, enclosure), 24 June 2002 (S/2002/788, enclosure) and 10 February 2003 (S/2003/273, enclosure). Information was also provided in respect of the Due Diligence Act, the Refugee Law, the Law on Mutual Legal Assistance and the Law on Persons and Companies.