

## V. ARGENTINA<sup>6</sup>

### SUMMARY OF LEGISLATION OF ARGENTINA RELATED TO TERRORISM

Argentine law does not characterize terrorism or terrorist acts as a separate offence nor does it lay down penalties for such acts. Argentine criminal law says nothing about terrorism being a component of any criminal offence or a general or specific aggravating circumstance. Consequently, it does not characterize as offences actions aimed at financing terrorism or terrorist acts.

However, certain criminal acts which, owing to their impact in terms of damage to persons or goods, may be related to terrorist acts are covered by other offences under Argentine criminal law.

Thus, article 210 of the Penal Code defines the offence of unlawful association as participation in an association or group of three or more persons existing for criminal purposes; simply being a member of the association is an offence. This could cover participation of individuals in an organization existing for the purpose of committing certain criminal acts defined in the law which, owing to their impact in terms of damage to persons or goods, may be related to terrorist acts. Such participation might include the financing of criminal acts. The penalty provided for is 3 to 10 years' ordinary or rigorous imprisonment.

Article 210 *bis* of the Penal Code, concerning aggravated unlawful association lists, *inter alia*, cooperation or assistance in the creation or maintenance of an unlawful association existing for criminal purposes if this action jeopardizes the operation of the Constitution, as a punishable act. The penalty is from 5 to 20 years' ordinary or rigorous imprisonment.

Article 210, along with its provisions for aggravating circumstances, penalizes an individual for belonging to a group of three or more individuals whose objective is the commission of a crime, solely because he belongs to the group, and regardless of whether the planned act is committed in Argentina or elsewhere. Argentine criminal law includes the category of "recruitment" under the offence of unlawful association (art. 210 of the Penal Code), which could be applied to members of terrorist groups, whether as perpetrators, accomplices or participants.

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<sup>6</sup> Transmitted to the Secretariat by that Government on 27 December 2001 (S/2001/1340, enclosure), on 13 September 2002 (S/2002/1023, enclosure) and on 11 July 2003 (S/2003/719, enclosure). Information was also provided with respect of the Act No. 25,246 on concealment and laundering of the proceeds of criminal acts, of 13 April 2000, the Domestic Security Act No. 24,059, and Act No. 25,520 on National Intelligence, of 27 November 2001.

In cases in which article 210 does not apply, as, for instance, when there are fewer than three persons, the general provisions of the Penal Code against criminal involvement (such as aiding and abetting or complicity) apply.

Article 211 (on public intimidation) imposes a penalty of two to six years' imprisonment on anyone who, in order to frighten the public or incite disturbances or disorder, makes signs, raises alarms, threatens to commit an act that will endanger the public or uses other material means suited to producing such effects. The use of explosives, harmful chemicals or similar materials for such purposes, provided that the act does not constitute an attack against public security, is penalized by 3 to 10 years' imprisonment.

With regard to an attack against public security, article 213 of the Penal Code provides that "anyone who organizes or takes part in permanent or temporary groups not covered by article 210 of this Code whose primary or secondary purpose is to impose their ideas or combat those of others by force or threat shall be punished with three to eight years' confinement or imprisonment solely by virtue of being a member of the group"

Moreover, Argentine legislation defines terrorist acts as "Criminal acts committed by members of unlawful associations or organizations established for the purpose of creating alarm or fear, which are carried out by means of explosive or inflammable substances, weapons or other deadly items, when used to endanger the life or physical integrity of an indeterminate number of persons" (Act No. 25,241 on repentant offenders). These acts are not described for the purpose of defining a specific offence and penalty, but solely for the purposes of the application of this Act which provides for a reduced penalty for anyone who collaborates effectively in the investigation of such acts. Thus, the purpose of this provision is to obtain information in order to prevent or suppress terrorist acts.

## VI. ARMENIA<sup>7</sup>

### SUMMARY OF LEGISLATION OF ARMENIA RELATED TO TERRORISM

The National Assembly of Armenia recently adopted a new Criminal Code, which entered into force beginning 1 August 2003. Here is the outline of its main articles related to terrorism:

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<sup>7</sup> Transmitted to the Secretariat by that Government on 8 February 2002 (S/2002/162, enclosure), on 21 January 2003 (S/2003/146, enclosure) and on 24 October 2003 (S/2003/1044, enclosure). Information was also provided in respect of the Code of Criminal Procedure and the Law on Banks and Banking.