

*Article 311 The hijacking of a train, aircraft or vessel or their seizure for purposes of hijacking*

1. The hijacking of a train, aircraft or vessel or their seizure for purposes of hijacking is punishable by restriction of liberty for up to five years or by a term of imprisonment for the same period.
2. The same actions, if committed by a group of persons acting in conspiracy, whether involving the use or threat of force, or causing major damage, are punishable by restriction of freedom for between three and five years or by a term of imprisonment of between three and seven years.
3. The actions specified in paragraph 1 or 2 of this article, if committed by an organized group or causing loss of human life through negligence or giving rise to serious physical injury, is punishable by a term of imprisonment of between 5 and 15 years.<sup>34</sup>

(b) Other Sources

In accordance with the third part of article 15 of the Act “On international treaties of the Republic of Belarus”, the legal norms contained in international treaties of the Republic of Belarus which have entered into force are part of the legislation in force in the territory of Belarus and can be directly applied, except in cases where it follows from the international treaty that a domestic enactment is required for the application of such norms. Consequently, after the International Convention for the Suppression of the Financing of Terrorism enters into force for the Republic of Belarus, its basic provisions will become part of the legislation in force in the territory of the Republic of Belarus and will be applied directly, without duplication in domestic legislative acts.

## **XIV. BOLIVIA<sup>35</sup>**

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

The Bolivian Criminal Code (Book Two, Special Part, Chapter Three), which deals with “Public Tranquillity,” contains articles concerning maintenance of the country’s internal security:

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<sup>34</sup> The text of additional Penal Code articles are contained in Part I of the present publication, pp. 85-87.

<sup>35</sup> Transmitted to the Secretariat by that Government on 2 January 2002 (S/2002/27, enclosure) and on 31 July 2002 (S/2002/970, appendix). Information was also provided in respect of the Code of Criminal Procedure.

*Article 1 of the Bolivian Criminal Code (National Territory)* states:

“This Code shall apply to:

“1. Crimes committed in Bolivian territory or in localities under its jurisdiction;

“2. Crimes committed abroad which have produced or were intended to produce results in Bolivian territory or in localities under its jurisdiction;

“3. Crimes committed abroad by a Bolivian, provided that he or she is in the national territory and has not been punished in the locality where the crime was committed;

“4. Crimes committed abroad against State security, public confidence and the national economy. This provision extends to aliens if they have been extradited or are found in Bolivian territory;

“5. Crimes committed on board Bolivian vessels, aircraft or other means of transportation in a foreign country, if they have not been prosecuted in that country;

“6. Crimes committed abroad by Bolivian civil servants in the performance of their duties;

“7. Crimes that Bolivia is required by treaty or convention to punish, even if they were not committed in its territory.”

In the case of a crime committed by a person habitually resident in Bolivia, the aforesaid article does not apply; he or she must be tried in the locality where the crime was committed.

*Article 132 bis (Criminal Organization)* provides:

“Anyone who is part of an association of three or more individuals organized in a permanent manner, under rules of discipline or control, existing for the purpose of committing the following crimes: genocide, destruction or damage to State property or national resources, abduction of a child or incompetent person, deprivation of liberty, harassment and torture, kidnapping, legitimization of illicit profits, manufacture of or illicit traffic in controlled substances, environmental crimes covered in special laws, offences against intellectual property, or who utilizes commercial or business structures to commit such crimes, shall be punished by one to three years’ imprisonment.

“Those who direct such an organization shall be punished by two to six years’ imprisonment.

“The sentence shall be increased by one third when the organization utilizes minors or incompetent persons to commit the crimes referred to in this article, and when the member of the organization is a public official responsible for preventing, investigating or judging the commission of crimes.”

Under *Article 133 (Terrorism)* the following is considered criminal:

“Anyone who participates in, acts in the service of or collaborates with an armed organization existing for the purpose of committing crimes against common security, life, physical integrity, freedom of movement or property, with a view to subverting the constitutional order or spreading a state of unrest, alarm or collective panic among the populace or a sector thereof, shall be punished by 15 to 20 years’ imprisonment, without prejudice to the penalty to be imposed should such crimes be committed.”

Chapter IV of the Bolivian Criminal Code, which deals with offences against international law, contains the following articles:

*Article 136 (Violation of Immunities)* establishes that:

“Anyone who violates the immunities of the Head of State or the representative of a foreign power or anyone having diplomatic immunity shall incur a prison sentence of six months to two years.

“The same sentence shall be imposed on anyone who offends the dignity or decorum of such persons while they are in Bolivian territory.”

*Article 139 (Piracy)* states that:

“Anyone who seizes a vessel or aircraft, diverts it from its established route or destroys it, or who captures, kills or injures its crew or passengers, or commits any act of depredation, shall be punished by two to eight years’ imprisonment.

The same sentence shall be imposed on anyone who knowingly traffics with pirates or provides them with assistance from the territory of the Republic.”