

punishment. In other words, unlawful association to commit terrorist acts shall always be punishable in Costa Rica even when the acts are committed outside the country, in the same way as human rights violations that may occur as a result of terrorist acts. In any case, as explained above, the draft Law on the strengthening of Costa Rican legislation against terrorism includes a proposed amendment of article 374 to include an express reference to terrorist acts committed outside the country.

Furthermore, in cases where terrorist acts are executed outside the country, or are not actually committed, articles 274 and 374 of the Penal Code establish penalties for belonging to national or international organizations whose aim is to commit terrorist acts. The offence of “unlawful association” arises as soon as at least two persons agree to commit a crime. Therefore, even if the recruiter does not belong to a terrorist organization, from the moment he recruits at least one other person he has committed the offence of unlawful association.

XXIII. COTE D’IVOIRE⁵⁶

ELEMENTS DU DISPOSITIF LEGISLATIF ET REGLEMENTAIRE DE LA COTE D’IVOIRE

La législation locale de la Cote D’Ivoire ne fait pas mention de la notion de terrorisme, elle se prononce cependant sur les cas d’attentat. Ainsi, l’*article 158* du Code pénal ivoirien relatif aux attentats dispose que :

Est puni de la détention à vie, l’attentat dont le but est soit :

- De détruire ou de changer le régime constitutionnel;
- D’exciter les citoyens ou habitants à s’armer contre l’autorité de l’État ou s’armer les uns contre les autres;
- De porter atteinte à l’intégrité du territoire national;
- D’organiser le massacre et la dévastation.

Par ailleurs, le Code pénal en son *article 27* qui permet de punir de la même peine que l’auteur, le coauteur et le complice de l’attentat, dispose que :

Est complice d’un crime ou d’un délit, celui qui, sans prendre une part discrète ou déterminante à sa réalisation :

⁵⁶ Transmitted to the Secretariat by that Government on 3 January 2002 (S/2002/75, enclosure).

- Donne des instructions pour le commettre ou participe à sa réalisation en usant de dons, promesses, menaces, abus d'autorité ou de pouvoir, machinations ou artifices coupables;
- Procure tout moyen devant servir à l'action tel que arme, instrument ou renseignement;
- Aide ou assiste en connaissance de cause, directement ou indirectement, l'auteur ou un coauteur de l'infraction.

XXIV. CROATIA⁵⁷

1. SUMMARY OF LEGISLATION OF CROATIA RELATED TO TERRORISM

Croatian legislation contains provisions that criminalize support, active or passive, to entities or persons involved in terrorist acts, including the recruitment of members of terrorist groups and supply of weapons to terrorists. The main provisions are contained in the Criminal Code, the Trade Act and Government Decision on Determination on Goods Imported and Exported on the Basis of Licenses.

In its Article 169, the Criminal Code⁵⁸ defines the crime of international terrorism. Its basic definition is given in paragraph I:

“[W]hoever, with intent to harm a foreign state or an international organisation, causes an explosion or fire by some generally dangerous act or device, endangers people or property or kidnaps a person or commits some other act of violence shall be sentenced to a minimum three-year imprisonment”.

A qualified form of this criminal act is provided in paragraphs 2 and 3. Paragraph 2 describes a specific form of qualified murder: “[I]f the perpetrator, when carrying out a criminal act referred to in paragraph 1 of this Article, intentionally kills one or more persons, he/she shall be sentenced to a minimum ten year or long-term imprisonment.” A long-term imprisonment usually refers to a sentence of 20 to 40 years. Paragraph 3 states that “[I]f by a criminal act referred to in paragraph I of this Article the death of one or more persons or

⁵⁷ Transmitted to the Secretariat by that Government on 21 December 2001 (S/2001/1271, enclosure). Information was also provided in respect of the Law on the Prevention of Money-Laundering, Law on the Office for Combating Corruption and Organised Crime, and Law on Movement and Residence of Foreigners.

⁵⁸ Official Gazette Nos. 110/97, 27/98, 50/00, 129/00 and 51/01.