

## **XXXII. EGYPT<sup>81</sup>**

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

Egyptian law treats factors contributing to and sources serving as a basis for terrorist acts and activities as criminal, as follows:

(a) Article 86 (a) of the Penal Code provides the penalty of execution or lifelong hard labour for the supplying of groups, gangs or other terrorist formations with weapons, ammunition, explosives, materials, instruments, funds or information that assist them in carrying out their aims;

(b) The code also establishes penalties (under articles 88 (b), 97 and 98) for anyone who invites another to join even a mere agreement aimed at the commission of crime in connection with terrorist activity, even if his invitation is not accepted, and for anyone who has knowledge of the existence of a plan to commit such crimes and fails to inform the authorities thereof.

## **XXXIII. ESTONIA<sup>82</sup>**

### **1. SUMMARY OF LEGISLATION OF ESTONIA RELATED TO TERRORISM**

In Estonia, terrorism is deemed to be a crime against the state, which is punishable by law. According to § 64 of the Criminal Code, terrorism is defined as an assault upon an individual, establishment, or organisation; also, as the perpetration of acts with the aim of hijacking, destroying, or damaging of property, or the injuring of people so as to provoke war or international conflict, or for some other political or religious goal.

Terrorism is punishable with 6 to 12 years of imprisonment. If the terrorist act creates human loss or has some other dire results, it is punishable with 8 to 15 years of imprisonment, or even with a life sentence.

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<sup>81</sup> Transmitted to the Secretariat by that Government on 22 May 2002 (S/2002/601, enclosure).

<sup>82</sup> Transmitted to the Secretariat by that Government on 26 December 2001 (S/2001/1315, enclosure) and 18 February 2003 (S/2003/275, enclosure).

According to § 65 of the Criminal Code, killing of a foreign country's representative, with the aim of provoking war or an international conflict, is punishable with 8 to 15 years of imprisonment, or a life sentence. Causing dire injury, with the aforementioned aim, to a representative of a foreign country, is punishable with 5 to 12 years.

In addition to this, § 197 and § 124 of the Criminal Code, prescribe imprisonment for the illegal seizure of an aircraft, whether it is on the ground or in flight, and for the taking of a hostage.

Acts that are related to terrorism and are punishable in accordance with the Criminal Code in Estonia also include:

- violation of the regulations of international aerial navigation,
- acquisition of radioactive material through criminal means, threatening to acquire radioactive material through criminal means, or the use of this material for criminal purposes, for the violation of the rules of the storage, use, calculation, transport or handling of the radioactive materials,
- smuggling, illegal manufacture, acquisition of explosive material and explosive devices or their necessary parts etc.

In addition, § 180 and § 181 of the Criminal Code, respectively, deal with the covering up of a crime, and not informing the authorities about an offence.

Membership in a terrorist group is punishable in Estonia on the basis of the Criminal Code's § 196. This paragraph stipulates the punishment which can be imposed for belonging to a criminal association, or for organising such an association, or for recruiting members into such an association, or for leading such an association or a sub-unit of such an association. A criminal association is defined as a permanent unit consisting of at least 3 individuals, each of whom have definite functions within the association, which exists for the purpose of committing, or the activities of which lead to the committing of first or second degree crimes. In Estonia, terrorism is a first degree crime.

Membership in a criminal association is punishable with 3 to 8 years of imprisonment. Organising of a criminal association, or recruiting of members for such an association, or leading of such an association or its sub-unit is punishable with 5 to 10 years of imprisonment.

Article 237 of the Penal Code (Terrorism) cannot in any way be interpreted as the criminalization of only those terrorist acts, which are aimed at Estonian citizens or the Estonian state. The article actually states that acts aimed at causing health damage or death or at unlawful seizure, damaging or destruction of property, committed with the intention to provoke war or an international

conflict or for political or religious causes, are punishable by 3 to 12 years' imprisonment or life imprisonment. The same act, if committed by a legal person, is punishable by compulsory dissolution. The wording of the referred to provisions reflects the fact that an offence committed against another democratic entity in Estonia, is regarded as an offence against international security. Offences against international security are dealt with in Penal Code Art. 110-112 in greater detail. These articles specify some of the ways in which terrorist acts can be committed (piracy, the hijacking of aircraft, and attacks against flight safety). Thus, the articles of terrorism in the Estonian Penal Code are not limited to the terrorist attacks against Estonia.

## 2. PENAL CODE

### CHAPTER 8, DIVISION 5 – OFFENCES AGAINST INTERNATIONAL SECURITY

#### *§ 110. Piracy*

(1) Attacking, seizure or destruction of a ship on the high seas or in a territory outside the jurisdiction of any state, or attacking or detention of persons on board such ship, or seizure or destruction of property on board such ship by using violence, is punishable by 2 to 10 years' imprisonment.

(2) The same act, if it causes:

(a) the death of a person;

(b) major damage, or

(c) a danger to the life and health of a large number of people,

is punishable by 6 to 20 years' imprisonment.

#### *§ 111. Hijacking Of Aircraft*

(1) Unlawful assumption of the navigation of an aircraft in flight, or unlawful restriction of the free navigation rights of the crew of an aircraft using violence or deceit, is punishable by 5 to 15 years' imprisonment.

(2) The same act, if it causes:

(a) the death of a person;

(b) major damage, or

(c) a danger to the life and health of a large number of people,

is punishable by 6 to 20 years' imprisonment.

(3) An aircraft is deemed to be in flight as of the moment of the commencement of boarding of the crew members or passengers or loading of the cargo, until the moment when the crew members or passengers have left the aircraft or the cargo has been unloaded.

*§ 112. Attacks against flight safety*

(1) A person who places on board an aircraft in flight explosives or a device causing ignition, or a device, facility or substance otherwise harmful to the flight safety of the aircraft, or shoots an aircraft with the intention to destroy or damage the aircraft, shall be punished by 2 to 10 years' imprisonment.

(2) The same act, if it causes:

(a) the death of a person;

(b) major damage, or

(c) a danger to the life and health of a large number of people,

is punishable by 6 to 20 years' imprisonment.

CHAPTER 15 (OFFENCES AGAINST THE STATE), DIVISION 2 (OFFENCES AGAINST STATE POWER)

*§ 237. Terrorism*

(1) Acts aimed at causing health damage or death or at unlawful seizure, damaging or destruction of property, committed with the intention to provoke war or an international conflict or for political or religious causes, are punishable by 3 to 12 years' imprisonment or life imprisonment.

(2) The same act, if committed by a legal person, is punishable by compulsory dissolution.

DIVISION 3, OFFENCES AGAINST FOREIGN STATES OR INTERNATIONAL ORGANISATIONS ARE CRIMINALIZED, PURSUANT TO OBLIGATIONS ARISING FROM INTERNATIONAL AGREEMENTS.

*§ 246. Attack against life or health of persons enjoying international immunity*

(1) Killing, hostage taking or causing health damage, if committed against a representative of an international organisation or generally recognised international non-governmental organisation or a foreign high-ranking public official or a family member thereof, is punishable by 6 to 20 years' imprisonment or life imprisonment.

(2) Subsection (1) of this section does not apply in the case of an operation involving use of armed forces sanctioned by the Security Council of the United Nations on the basis of Chapter VII of the Charter of the United Nations where the persons participating in the operation are combatants in an armed conflict.

*§ 247. Defamation of persons enjoying international immunity*

(1) Defamation of a person enjoying international immunity or of a family member of such person is punishable by a pecuniary punishment or up to 2 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

*§ 248. Illegal entry into territory, building or premises enjoying diplomatic immunity*

(1) Illegal entry into or occupation of a territory, building or premises enjoying diplomatic immunity in the Republic of Estonia is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

(a) by using violence, or

(b) by using threat with a weapon, any other object used as a weapon, an explosive device or explosive substance,

is punishable by 1 to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if serious consequences or major damage are thereby caused, is punishable by 4 to 12 years' imprisonment.

*§ 249. Defamation of official symbols of foreign state or international organisation*

A person who tears down, damages, profanes or otherwise defames the national flag, national coat of arms or any other official symbol of a foreign state, or an official symbol of an international organisation, or defames the national anthem of a foreign state, shall be punished by a pecuniary punishment or up to one year of imprisonment.

*§ 250. Incitement to commission of criminal offence against foreign state or international organisation*

Public incitement to the commission of a criminal offence provided for in this Division is punishable by a pecuniary punishment or up to 3 years' imprisonment.