

(c) Penal Code

There is no offence per se of “committing a terrorist act” in the Penal Code. However, the planning, preparation or perpetration of terrorist acts would involve offences such as murder, causing hurt, hijacking, kidnapping etc, all of which are offences under Singapore law. The abetment of such offences by aiding, instigation or conspiracy is also an offence under Singapore law.

Singapore law prescribes capital punishment for murder and kidnapping and severe penalties for serious offences (including caning for many violent offences).

Singapore does not regard acts of terrorism as offences of a “political character”. The Extradition Act would be invoked to extradite an alleged terrorist, for offences that fall under the Extradition Act, to foreign States with which Singapore has extradition treaties or to Commonwealth countries, pursuant to the relevant Commonwealth schemes in relation to the extradition of fugitives. There has been no case where a court in Singapore has held that an offence committed for purposes of terrorism is an offence of a “political character”.

## CIX. SLOVENIA<sup>112</sup>

### SUMMARY OF LEGISLATION OF SLOVENIA RELATED TO TERRORISM

The Penal Code (Uradni list Republike Slovenije Nos. 63/94, 70/94 – amendment and 23/99 (Official Gazette of the Republic of Slovenia)) incriminates internal terrorism in article 355 and international terrorism in article 388:

#### *Internal Terrorism*

#### *Article 355*

Whoever with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, causes an explosion or fire, or commits any other act of violence endangering public safety, or

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<sup>112</sup> Transmitted to the Secretariat by that Government on 24 December 2001 (S/2001/1277, enclosure and Corr.1) and on 12 July 2002 (S/2002/863, enclosure). Information was also provided in respect of the following: the Restricted Measures Act (Uradni list Republike Slovenije No. 35/01); the Prevention of Money Laundering Act, 1995; the Money Laundering Act, 2001; the Code of Criminal Procedure; the Societies Act (Uradni list Republike Slovenije Nos 60/95, 49/98); the Foundations Act (Uradni list Republike Slovenije Nos 60/95); the Social Security Act (Uradni list Republike Slovenije Nos 54/92, 56/92, 13/93, 42/93, 42/94, 1/99, 41/99); the Institutes Act; Sports Act; Political Parties Act; the Weapons Act; and the Act Governing State Border Control.

threatens the use of nuclear materials or means of mass slaughter, thereby arousing fright and uncertainty among people, shall be punished to imprisonment for not less than three years.

### *International Terrorism*

#### *Article 388*

(1) Whoever, with the intent of inflicting damage on a foreign country or an international organisation, kidnaps a person or commits some other act of violence, or causes an explosion or a fire, or endangers human life or property of substantial value by acts or means capable of causing danger to public, shall be sentenced to imprisonment for not less than one and not more than ten years.

(2) Whoever, with the intention of compelling a legal person, international organisation or state to perform or omit to perform a certain act, threatens to endanger or harm human life or property of substantial value by the use of nuclear force or other means of mass extermination shall be sentenced to imprisonment of not less than one year.

(3) If the criminal offence under the first and the second paragraphs of the present article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than five years.

(4) If the perpetrator, in the committing of a criminal offence under the first or second paragraphs of the present article, deliberately takes the lives of one or more persons, he shall be sentenced to imprisonment for not less than ten years or to thirty years.

The Penal Code also contains incriminations of other criminal offences, defined in international instruments in the field of terrorism. For example, article 144 defines the crime of kidnapping, article 330 hijacking, article 353 violence against the highest representatives of the State, article 389 endangering of persons under international protection and article 390 taking of hostages.

The Penal Code, in the Chapter “Criminal Offence and Criminal Liability” of the General Provisions, also incriminates collaboration, soliciting or supporting in the committing a criminal offence.

If two or more persons are engaged jointly in committing a criminal offence by collaborating in the execution thereof or by the performance of any act representing a decisive part of the committing of the offence in question (collaboration), each of these persons shall be punished according to the limits set down in the statutes for the offence in question.

Anybody who intentionally solicits another person to commit a criminal offence shall be punished as if he himself had committed it. Anybody who intentionally solicits another person to commit a criminal offence for which the sentence of three years' imprisonment or a heavier sentence may be imposed under the statute, shall be punished for the criminal attempt even if the committing of such an offence had never been attempted.

Article 297 of the Penal Code incriminates the criminal offence of criminal association. Whoever establishes a group for the purposes of perpetrating criminal offences for which a punishment exceeding five years of imprisonment may be applied, is sentenced to imprisonment not exceeding three years. Whoever joins such a group is sentenced to imprisonment not exceeding one year. The punishment must be remitted for the founder or a member of the above group who prevents the committing of a criminal offence or provides timely information about it or discloses the organisation and its leaders. The intention to commit a criminal offence suffices for the punishment of the founder or a member of the above organization even if the criminal offences have not been committed.

#### *Related offences*

Article 309 of the Penal Code incriminates the manufacturing and acquiring of weapons and other means intended for committing a criminal offence. Whoever manufactures, acquires or keeps weapons, explosive materials or poisons which he knows to be intended for the committing of a criminal offence, or whoever provides another person with access to the same, is sentenced to imprisonment not exceeding three years.

Article 310 defines the criminal offence of illegal manufacture of and trade in (acquiring, keeping, bartering, importing or exporting) weapons or explosive materials, the trade in which is completely prohibited or limited for individuals. The sentence set down for the basic criminal offence is imprisonment for not less than six months and not more than five years. If the offence involves a large quantity of or very valuable weapons or explosive materials, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.

#### *Territorial application*

Under the terms of article 120, paragraph 1, the Penal Code applies to anybody committing a crime on the territory of the Republic of Slovenia. Moreover, in terms of article 123, paragraph 2, the Penal Code is applicable also to any foreigner who has committed a criminal offence against a foreigner country or against a foreign citizen if he has been apprehended in Slovenia and has not been extradited to a foreign country.