

manner that such employment usurps or tends or appears to usurp the functions of the police or of the armed forces of the Republic) and any person who takes part in the control or management of such an organization or in so organizing or training shall be guilty of an offence and is liable to a fine of five thousand rupees and up to imprisonment for five years.

CVIII. SINGAPORE¹¹¹

SUMMARY OF LEGISLATION OF SINGAPORE RELATED TO TERRORISM

(a) United Nations Act and United Nations (Anti-Terrorism Measures) Regulations 2001

Any person living in Singapore is covered by the provisions of the United Nations Act and the United Nations (Anti-Terrorism Measures) Regulations 2001. Any person present in Singapore who is financing terrorist activities outside Singapore would be guilty of an offence under the Regulations.

Regulation 5 of the Regulations 2001 provides that no person in Singapore and no citizen of Singapore outside Singapore shall (a) provide funds to any person by any means, directly or indirectly, or (b) collect funds for any person by any means, directly or indirectly, if he knows or has reasonable grounds to believe that the funds will be used to commit any terrorist act or facilitate the commission of any terrorist act.

Regulation 4(1) defines the term "funds" as including (but not confined to) cheques, bank deposits and other financial resources.

The term "terrorist act" has also been given a comprehensive definition (in regulation 4(1)) so as to ensure that all terrorist acts will indeed fall within the ambit of the Regulations.

The term "person" in the Regulations includes any company or association or body of persons, corporate or unincorporate (as provided in section 2 of the Interpretation Act).

The Regulations were amended (with effect from 12 March 2002) and three new provisions were added. Regulation 7A provides that no person in Singapore and no citizen of Singapore outside Singapore shall, directly or

¹¹¹ Transmitted to the Secretariat by that Government on 20 December 2001 (S/2001/1234, enclosure), on 17 June 2002 (S/2002/690, enclosure) and on 14 February 2003 (S/2003/480, enclosure). Information was also provided in respect of the following: the Arms and Explosives Act; the Arms Offences Act; the Extradition Act; the Banishment Act; Societies Act; and Charities (Fund-Raising Appeals for Foreign Charitable Purposes) Regulations.

indirectly, export, sell, supply or ship any arms and related material, wherever situated, to any terrorist.

Regulation 7B provides that no owner or master of a Singapore ship and no operator of an aircraft registered in Singapore shall directly or indirectly carry or cause or permit to be carried any arms and related material wherever situated, for any terrorist.

Regulation 7C provides that no person in Singapore and no citizen of Singapore outside Singapore shall, directly or indirectly, provide any terrorist with technical advice, assistance or training related to military activities.

Regulation 9 provides that no person in Singapore and no citizen of Singapore outside Singapore shall knowingly do anything that causes, assists or promotes, or is intended to cause, assist or promote, any act or thing prohibited by regulation 5 (and regulations 6, 7 and 8).

The financing of terrorist acts is subject to the penalties in the United Nations Act. The penalties provided for in the Act reflect the fact that the Government of Singapore regards these offences as serious.

(b) Internal Security Act

Section 5 of the Internal Security Act provides that if the members or adherents of any association of persons, whether incorporated or not, are organized or trained or equipped either for the purpose of enabling them to be employed for the use or display of physical force in promoting any political or other object, or in such a manner as to arouse reasonable apprehension that they are organized or trained or equipped for that purpose, then any member or adherent of such association shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both; and any person who promotes or conspires with another to promote, or who takes part in the control or management of, the association, or in so organizing or training as aforesaid any member or adherent thereof, shall be guilty of an offence under this Part and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both. The High Court may order any property held by such an association to be forfeited to the Government.

Section 8 of the Act provides that if the President is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Singapore or any part thereof or to the maintenance of public order or essential services therein, it is necessary to do so, the Minister for Home Affairs shall make an order directing that such person be detained for any period not exceeding two years. The Act provides for detention without trial of persons whose activities threaten the internal security of Singapore, and this measure is used in circumstances where it is not practical to deal with threats posed by terrorists under the normal parameters of criminal law.

(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. SLOVENIA¹¹²

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

¹¹² 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.