

4. Les art. 11 et 14, al. 2, de la loi sur les embargos sont réservés.

*Art. 7 à 10*<sup>189</sup>

*Art. 11*<sup>190</sup> *Entrée en vigueur*

La présente ordonnance entre en vigueur le 3 octobre 2000.

*Annexe 1*<sup>191</sup>

*Annexe 2*<sup>192</sup>

(art. 1, 3, al. 1 et 2, 4 et 4a)

Personnes physiques et morales, groupes et entités soumis aux mesures prévues aux art. 1, 3, 4 et 4a

*Annexe 3*<sup>193</sup>

## **CXVI. SYRIAN ARAB REPUBLIC**<sup>194</sup>

### **SUMMARY OF LEGISLATION OF THE SYRIAN ARAB REPUBLIC RELATED TO TERRORISM**

Article 304 of the Penal Code promulgated by legislative decree No. 148 of 22 June 1949 defines terrorist acts, and its article 305 establishes a harsh criminal penalty for those who commit such acts. Article 304 defines the concept of terrorist acts as follows:

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<sup>189</sup> Abrogés par le ch. I de l'O du 30 oct. 2002 (RO 2002 3955).

<sup>190</sup> Nouvelle teneur selon le ch. I de l'O du 30 oct. 2002, en vigueur depuis le 1er janv. 2003 (RO 2002 3955).

<sup>191</sup> Abrogée par le ch. III al. 1 de l'O du 1er mai 2002 (RO 2002 1646).

<sup>192</sup> Non publiée au RO, cette annexe ne figure pas dans le présent recueil. Le tiré à part peut être obtenu auprès du seeo, secteur Politique de contrôle à l'exportation et sanctions, Belpstrasse 18, 3003 Berne. L'annexe peut également être consultée à l'adresse Internet qui suit: <http://www.seco.admin.ch>, accessible par: Politique économique extérieure, Sanctions/Embargos, Sanctions de la Suisse. Seule la version imprimée fait foi (voir RO 2004 337).

<sup>193</sup> Introduite par le ch. II al. 2 de l'O du 11 avril 2001 (RO 2001 1353). Abrogée par le ch. III al. 1 de l'O du 1er mai 2002 (RO 2002 1646).

<sup>194</sup> Transmitted to the Secretariat by that Government on 13 December 2001 (S/2001/1204, enclosure), on 9 September 2002 (S/2002/1046, enclosure), on 9 July 2003 (S/2003/725, enclosure) and on 1 June 2004. Information was also provided in respect of the following: Law No. 93 of 1958 concerning charitable and social associations operating in Syria; Legislative Decree No. 115 of 5 October 1953, which contains the Military Service Law; and Legislative Decree No. 51 of 24 September 2001, containing the Arms and Ammunition Law.

**“Terrorist acts” means all acts intended to create a state of fear which are committed by means such as explosives, inflammable materials, poisonous or burning products or epidemic or microbial agents likely to cause public danger.**

**The Code characterizes terrorist acts as grave crimes for which the penalty ranges from 10 years to death.**

**Article 305 establishes the penalties to be imposed on their perpetrators provides as follows:**

- 1. Conspiracy aimed at the perpetration of a terrorist act or acts is punishable by a 10 to 20 years’ term.**
- 2. Any terrorist act entails a penalty of 15 to 20 years’ hard labour.**
- 3. Such an act entails the death penalty if the act results in the destruction, even partial, of a public building, industrial establishment, ship or installation of any kind or the disruption of means of information, communication or transport, or if the act causes the death of a person.**

**In the nature of things, whoever makes funds available to perpetrators of such acts is regarded as an accessory to the crime and is penalized as such.**

**Article 306 provides as follows:**

- 1. Any and all associations established for the purpose of changing the economic or social character of the State or the basic conditions of society using any of the means indicated in article 304 shall be dissolved and their members shall be sentenced to a term of hard labour.**
- 2. In respect of founders and directors, such penalty shall be not less than seven years.**
- 3. Exculpating or mitigating excuses allowable to conspirators under article 262 apply in the case of perpetrators of the offence defined above.**

**Nationals or any persons or entities in Syrian territory are thus forbidden to make available, directly or indirectly, any funds, financial assets, economic resources or financial services to persons committing terrorist acts.**

**The Code imposes on perpetrators of these terrorist offences harsh penalties that range from 10 years’ imprisonment to hard labour for life. It also imposes the death penalty in the event that any such terrorist act should cause the destruction, even if only partial, of a public building, industrial establishment, ship or other installation, or the disruption of means of information, communication or transport, or if the act causes the death of a person.**

**Article 280 provides that anyone who, within Syrian territory and without the approval of the Government, recruits soldiers to fight for a foreign State shall be punished by a term of imprisonment.**

**Article 298 contains the following:**

**Any aggression either aimed at stirring up civil war or sectarian fighting through arming Syrians or inducing them to take up arms against each other or involving incitement to kill and plunder in any locality or localities shall be punishable by hard labour for life, and by death if the aggression takes place.**

**Article 299 provides as follows:**

**“Anyone who heads or assumes any position or leadership of any nature whatsoever in an armed band, either for the purpose of invading a town or locality or destroying property belonging to the State or to a group of people or for the purpose of attacking or resisting the public force [acting] against the perpetrators of such offences shall be punished by hard labour for life.**

**Article 300 provides further clarification concerning the penalty for participation in armed bands, as follows:**

**The penalty for participating in armed bands created for the purpose of committing any of the offences provided for in articles 298 and 299 (relating to sedition and gangs) shall be hard labour for life.**

**Article 304 defines the nature of terrorist acts as follows: “Terrorist acts” means all acts intended to create a state of fear which are committed by means such as explosives, inflammable materials, poisonous or burning products or epidemic or microbial agents likely to cause public danger.**

**Article 305, which defines conspiracies, establishes the penalties to be imposed on their perpetrators as follows:**

**Paragraph 1. Conspiracy aimed at the perpetration of a terrorist [act or] acts is punishable by a term of hard labour.**

**Paragraph 2. It entails the death penalty if the terrorist act results in the destruction, even partial, of a building, industrial establishment, ship or installation of any kind or the disruption of means of information, communication or transport, or if the act causes the death of a person.**

**Article 306, on associations, provides as follows:**

**1. Any and all associations established for the purpose of changing the economic or social character of the State or the basic conditions of**

society using any of the means indicated in article 304 (i.e., terrorist acts) shall be dissolved and their members shall be sentenced to a term of hard labour.

Article 212 considers an accomplice to the crime as liable, like the principal, to the penalty specified for that crime in the Code. The article further provides for the aggravation of the penalty in accordance with the provisions of article 247 in the case of a person who organizes participation in the crime or directs the action of accomplices therein.

Under article 212 of the General Penal Code, anyone who finances terrorist acts is deemed an accessory to the crime and is liable to the penalty provided for such crime in the Code.

The penalty for acts of terrorism ranges from 15 to 20 years' hard labour, according to article 305/3 of the Penal Code, or even, pursuant to paragraph 3 of the same article, the death penalty if the terrorist act results in the destruction, even partial, of a public building or an industrial establishment, ship or installation of any kind or the disruption of means of information, communication or transport, or if the act causes the death of a person.

Concerning attempts, article 199 provides as follows:

1. Any attempt to commit an offence that has commenced, with acts aimed directly at its perpetration, shall be considered the same as the offence itself unless its completion is prevented by circumstances other than those outside the will of the perpetrator.
2. The penalties specified in the Code may, however, be reduced as follows: the death penalty may be commuted to hard labour for life or a term of 10 to 20 years' hard labour. Or it may be commuted to a term of not less than seven years' hard labour. A sentence of life imprisonment may be commuted to a term of not less than seven years' imprisonment. Any other penalty may be lowered by one half to two thirds.
3. Anyone who commences an act and desists therefrom by choice shall be punished only for those acts committed by him which in themselves constitute offences."

Article 200 provides as follows:

If all the acts aimed at the commission of a felony have been carried out but have not come to fruition owing to circumstances independent of the will of the perpetrator, the penalty may be reduced as follows: the death penalty may be replaced by hard labour for life or a term of 12 to 20 years' hard labour; hard labour for life may be commuted to a term of 10 to 20 years' hard labour; life imprisonment

may be replaced by a term of imprisonment ranging from 10 to 20 years; and any other penalty may be reduced to one half. The penalties stated in this article may be reduced to two thirds if the perpetrator has, solely by his own will, prevented his act from having its effect.”

The Penal Code also defines the territorial scope for the implementation of the criminal law. Article 15 of the Code provides as follows:

1. Syrian law shall apply to all crimes committed on Syrian soil.
2. A crime shall be considered as being committed on Syrian soil:
  - (a) If one of the elements constituting a crime, or an act inseparable from a crime, or a principal or subsidiary act of collaboration took place on Syrian soil;
  - (b) If the outcome of the crime occurred or was expected to occur on Syrian soil.

The Penal Code punishes any criminal act of whatever kind committed in the territory of the Syrian Arab Republic, whether the crime was committed in totality in the territory of the State or one of the elements of the crime, or a principal or a subsidiary act of collaboration, occurred in the territory of the State.

Article 20 of the Code provides as follows:

Syrian law shall apply to any Syrian person who, when outside Syrian territory, commits, instigates or is involved in a crime or misdemeanour punishable under Syrian law. The same shall apply even if the accused person loses his Syrian nationality or acquires it after the commission of the crime or misdemeanour.

Article 21 provides as follows:

Syrian law shall apply outside Syrian territory:

1. To crimes committed by Syrian officials during or on the occasion of their exercise of their functions;
2. To crimes committed by officials of the foreign service and to Syrian consuls who do not enjoy immunity conferred on them by international public law.

Thus the scope of the law extends to any Syrian wherever he may be, provided he is acting in his personal capacity.