

CXXII. TURKMENISTAN²⁰¹

SUMMARY OF LEGISLATION OF TURKMENISTAN RELATED TO TERRORISM

(a) Constitutional provisions

Under article 6 of the Constitution of Turkmenistan, the legislation of Turkmenistan recognizes the supremacy of generally accepted rules of international law. In that connection, the provisions of international treaties to which Turkmenistan is a party have direct force of law.

(b) Criminal Code

The Criminal Code of Turkmenistan provides for criminal liability in respect of terrorism and this also applies to any actions connected with the preparation and conduct of terrorist acts.

Article 271. Terrorism

1. Terrorism, that is, causing an explosion or fire or other acts that jeopardize human life, cause significant property damage or have other dangerous consequences for society, where those acts are committed to violate public security, cause panic or influence decision-making by government authorities, including the threat to commit such acts for those purposes, shall be punishable by imprisonment for 5 to 10 years.

²⁰¹ Transmitted to the Secretariat by that Government on 21 May 2002 (S/2002/580, enclosure), on 15 January 2003 (S/2003/129, enclosure) and on 4 September 2003 (S/2003/868, enclosure). Information was also provided in respect of other provisions of the Criminal Code, including: article 9, extradition; article 167, War propaganda; article 168, Genocide; article 169, Mercenarism; article 171, Treason; article 172., Espionage; article 179, Divulging State secrets; article 180, Loss of documents containing State secrets; article 242, Legalization of monetary assets or other property obtained illegally; article 273, Organization of an illegal armed unit or participation therein; article 274, Banditry; article 275, Organization of a criminal association or participation therein; article 287, Illegal acquisition, sale, possession, transport, sending or bearing of weapons, ammunition, explosives or explosive devices; article 288, Illegal manufacture of weapons; and article 254, Smuggling. Information was also provided in respect of the following: the Act on Commercial banks and banking activities; the Turkmenistan Civil Code of Saparmurat Turkmenbashi of 17 July 1998; the Act on Refugees of 12 July 1997; the Act on the legal status of foreign nationals in Turkmenistan of 8 October 1993; and Act of Turkmenistan on the Procedure for the departure from and entry into Turkmenistan of Turkmen Citizens of 15 June 1995.

2. Those same acts, when committed:
 - (a) Repeatedly;
 - (b) With the use of firearms;
 - (c) By a group of people on the basis of prior agreement,

shall be punishable by imprisonment for 8 to 15 years.

3. If the acts described in paragraphs 1 and 2 of this article cause death or are committed by an organized group or a criminal organization, they shall be punishable by imprisonment for 10 to 25 years.

Note: A person who has participated in the preparation of an act of terrorism is exempted from criminal liability if he has provided a timely warning to the authorities or by some other means has helped to prevent an act of terrorism and if he has not committed other offences.

Article 272. Provision of deliberately false information about a terrorist act

The provision of deliberately false information about an imminent explosion or act of arson or other actions that create the danger of loss of life, extensive property damage or other dangerous consequences for society shall be punishable by corrective labour for up to two years or imprisonment for up to two years.

Article 273. Organization of an illegal armed unit or participation therein

1. The establishment of an armed unit not provided for in the legislation of Turkmenistan and the leadership of such a unit shall be punishable by imprisonment for 3 to 8 years.
2. Participation in an illegal armed unit shall be punishable by imprisonment for up to five years.

Note: A person who ceases voluntarily to participate in an illegal armed unit and surrenders his weapon is exempted from criminal liability provided that he has not committed other offences.

The Criminal Code also provides for criminal liability for the commission of acts in Turkmenistan that are in and of themselves not criminal but are linked to acts committed or intended to be committed outside Turkmenistan that are of a criminal or even terrorist nature. Such liability is provided for in article 275 of the Criminal Code (on the organization of a criminal association or participation in a criminal association). Liability is engaged at the time when the acts in question begin.

The Code also covers the types of complicity (article 33), on the basis of which it is necessary to identify all participants in a crime, i.e. the organizer, the instigator and the accomplice. If investigation reveals a source of financing (collection of funds), that has a bearing on the categorization of the act.

The Code also establishes criminal liability for: banditry (article 274), organization of a criminal association or participation in such an association (article 275), hijacking or seizing an aircraft, boat or railway rolling stock (article 277), robbery (article 231), extortion (article 232), kidnapping (article 126), seizure of hostages (article 130), and sabotage (article 173).

Article 7. Criminal law in respect of persons who have committed crimes in the territory of Turkmenistan:

- (1) Persons who have committed crimes in the territory of Turkmenistan shall be subject to liability under Turkmenistan's criminal law.
- (2) Crimes committed within Turkmenistan's territorial waters or airspace shall be considered as having been committed in the territory of Turkmenistan. The Criminal Code shall also apply to crimes committed on the continental shelf and in the maritime economic zone of Turkmenistan.
- (3) Persons who have committed crimes on board a vessel registered in a port of Turkmenistan and situated in the water or airspace beyond its borders shall be liable under Turkmenistan's criminal law, unless otherwise provided for under an international treaty to which Turkmenistan is a party.
- (4) When a crime is committed in the territory of two or more States, liability shall be incurred under Turkmenistan's criminal law if the crime is halted or suppressed in the territory of Turkmenistan.
- (5) The question of the criminal liability of diplomatic representatives of foreign States and other persons who invoke immunity when such persons commit a crime in the territory of Turkmenistan shall be resolved on the basis of the norms of international law and the international treaties to which Turkmenistan is a party.

Article 8. Criminal law in respect of persons who have committed crimes outside Turkmenistan

- (1) Citizens of Turkmenistan and also persons permanently residing in Turkmenistan without citizenship who have committed a crime provided for under Turkmenistan's criminal law outside Turkmenistan shall be subject to liability under the criminal legislation of Turkmenistan if liability for the act committed is provided for under the criminal law of

the State in whose territory it was committed and if these persons have not been convicted in a foreign State. Punishment exceeding the maximum punishment provided for under the law in force in the place where the crime was committed may not be imposed.

(2) Foreign nationals and stateless persons who are not permanently residing in Turkmenistan shall be subject to liability under the criminal law of Turkmenistan for a crime committed outside Turkmenistan if the crime was directed against Turkmenistan or its citizens and also in the cases provided for under international treaties to which Turkmenistan is a party if they have not been convicted in a foreign State and have been charged with criminal liability in the territory of Turkmenistan.

CXXIII. UGANDA²⁰²

SUMMARY OF LEGISLATION OF UGANDA RELATED TO TERRORISM

The Anti-Terrorism Act No 14/2002, which came into force on 7th June 2002, applies to, inter alia, all financial institutions and their intermediaries in Uganda. Whilst the Act confers no specific powers or obligations on supervisory and other financial sector authorities to combat (the financing of) terrorism in Uganda, it criminalizes terrorism and its financing. Financial institutions are thus enjoined together with law enforcement authorities in Uganda to monitor compliance with the anti-terrorism legislation in Uganda. Financial institutions are required to adhere to and follow anti-money laundering guidelines which are aimed at combating money laundering and terrorism as a predicate offence thereof.

Section 10 of the Act provides:

Any person who aids or abets or finances or harbours or in any other way renders support to any person, knowing or having reason to believe that the support will be applied or used for or in connection with the preparation or commission or instigation of acts of terrorism, commits an offence and shall, on conviction, be sentenced to death.

²⁰² Transmitted to the Secretariat by that Government on 29 April 2002 (S/2002/517, enclosure) and on 20 October 2003 (S/2003/1041, enclosure). Information was also provided in respect of other legislation, including the Penal Code of the Laws of Uganda, Cap. 106.