

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.

Section 17 of the Act provides:

(1) A person who:

- (a) solicits or invites any other person to give, lend or otherwise make available, whether for consideration or not, any money or other property; or
- (b) receives accepts from any other person, whether for consideration or not, any money or other property,

Intending that it shall be applied or used for commission of or in furtherance of or in connection with acts of terrorism, or having reasonable cause to suspect that it may be so used or applied, commits an offence.

(2) A person who:

- (a) gives, lends or otherwise makes available to any other person, whether for consideration or not, any money or other property; or
- (b) enters into or otherwise concerned in an arrangement by which money or other property is or is to be made available to another person,

Knowing or having reasonable cause to suspect that it will or may be applied or used as mentioned in subsection (1), commits an offence.

Section 18 lays down the offence committed by persons who make contributions to resources of terrorist organizations while section 19 deals with the offence of assisting in the retention and control of terrorist funds.

The penalties for these offences are:

- Forfeiture of the money or property,
- Imprisonment not exceeding ten years and
- A large punitive fine.

Section 7 of the Act is concerned with the prevention of terrorists obtaining weapons within or outside its territory in particular small arms or light weapons. Section 9 specifically caters for the offences relating to the supply of weapons to terrorists while section 10 deals with issues relating to those who support and abet terrorism. Section 11 addresses recruitment of terrorists and establishment of terrorist organizations and section 12 is devoted to the offence of misprision of terrorism. Section 13 lays down the offence committed by persons who neglect to prevent acts of terrorism. This offence attracts a sentence of five years on conviction with hefty and punitive fine.

Section 16 permits and provides for the forfeiture (upon applying for and obtaining a court order) of terrorist assets.

The sentence prescribed for supply of weaponry or explosives is death on conviction. So is the sentence for recruiting, financing, and harbouring terrorists. Misprision of terrorism carries a life sentence under the Act.

The law also has in the second schedule a list of terrorist organizations, which the Minister for Internal affairs can update from time to time. This list is to be updated to include the lists that have been adopted under the various United Nations Security Council Resolutions.

Moreover, it is an offence under the laws of Uganda to be a member, whether passive or active, of a terrorist organization and conviction for this offence attracts a sentence of ten years imprisonment.

CXXIV. UKRAINE²⁰³

SUMMARY OF LEGISLATION OF UKRAINE RELATED TO TERRORISM

The wilful provision or collection of funds for terrorist formations is criminalized under article 258 of the Criminal Code of Ukraine. According to the fourth part of that article, the creation of a terrorist group or terrorist organization, the leadership of such a group or organization or participation in its activities, or the provision of material, organizational or other support for the creation or

²⁰³ Transmitted to the Secretariat by that Government on 26 December 2001 (S/2001/1330, enclosure) and on 3 September 2002 (S/2002/I030, enclosure). Information was also provided in respect of the Code of Criminal Procedure of Ukraine; the Act "on the procedure for cancelling the liability of taxpayers with respect to budgetary and State funds earmarked for special purposes"; the Act "on revisions to the Act 'on the State Tax Service of Ukraine'"; the Act "on the legal status of aliens"; Act "on citizenship of Ukraine"; the Act "on immigration"; the Ukrainian Act "on organizational and legal principles for combating organized crime"; the Ukrainian Code on Administrative Offences; the Act of Ukraine "on refugees"; the Act "on insurance"; the Act "on the procedure for discharge of taxpayers' obligations towards budgetary and State special-purpose funds"; the Act "on general military service"; the Act "on the Security Service of Ukraine"; the Act "on the intelligence services of Ukraine"; the Act "on operational and search activities"; the Act "on the intelligence bodies of Ukraine"; the Act "on local State administrations"; the Act "on criminal investigation activities"; Act "on the Security Council of Ukraine"; the Act "on nuclear energy use and radiation safety"; the Act "on regulations governing garrison and guard service in the armed forces of Ukraine"; the Act "on the legal regime in an emergency situation"; the Act "on the defence of Ukraine" in the version of 5 October 2000; the Act "on the physical defence of nuclear facilities, nuclear materials, radioactive wastes and other sources of ionizing radiation"; the Merchant Shipping Code; the Act "on the State Tax Service of Ukraine"; the Act on "the Border Troops of Ukraine".