

CXXXII. VIET NAM²²⁷

SUMMARY OF LEGISLATION OF VIET NAM RELATED TO TERRORISM

(a) Penal Code 1999

The Vietnamese Penal Code provides as follows:

Article 84 Terrorism

1. Those who intend to oppose the people's administration and infringe upon the life of officials, public employees or citizens shall be sentenced to between 12 and 20 years imprisonment, life-imprisonment or capital punishment.
2. In the case of committing offences by infringing upon physical freedom and/or health, the offenders shall be sentenced between 5 and 15 years imprisonment.
3. In the case of committing offences by threatening to infringe upon the life or committing other acts of mental intimidation, the offenders shall be sentenced to between 2 and 7 years imprisonment.
4. Those who terrorize foreigners in order to cause difficulties to the Socialist Republic of Viet Nam in its international relations shall be punished in accordance with the provisions of this article.

Although the Penal Code does not have a specific provision on financing of terrorism, an act of providing funds and facilities for the commission of the

²²⁷ Transmitted to the Secretariat by that Government on 5 February 2002 (S/2002/148, enclosure) and on 14 January 2003 (S/2003/128, enclosure). Information was also provided in respect of other legislation, including the Anti-Drug Law. Information was also provided in respect of other provisions of the Penal Code, including the following: Violent rebellion (article 82); banditry (article 83); Sabotaging the material-technical foundations of the Socialist Republic of Viet Nam (article 85); Kidnapping for appropriation of properties (article 134); Hijacking aircrafts or ships (article 221); the illicit manufacture, stockpile, transportation, trafficking or seizure of military weapons and equipment (article 230); illicit manufacture, stockpile, transportation, trafficking or seizure of explosives (article 232); illicit manufacture, stockpile, transportation, trafficking or seizure of rudimentary weapons and supportive tools (article 233); violations of rules in the management of weapons, explosives and supportive tools (article 234); negligence in the management of weapons, explosives and supportive tools, that causes serious consequences (article 235); illicit manufacture, stockpile, transportation, use, trafficking or seizure of radioactive materials (article 236); violations of rules of managing radioactive materials (article 237); illicit manufacture, stockpile, transportation, use or trafficking of flammable and toxic materials (article 238).

crime of terrorism may be prosecuted under article 84 (terrorism). Under article 17 (preparation for committing offences), acts of “seeking to acquire, or preparing tools, means or other conditions” for the commission of an offence of terrorism may be prosecuted. In addition, pending the preparation for the commission of an act of terrorism, if the offender commits other independent offences, he may be prosecuted for such offences.

CXXXIII. YEMEN²²⁸

SUMMARY OF LEGISLATION OF YEMEN RELATED TO TERRORISM

(a) Constitution

Article 36 of the Constitution of the Republic of Yemen provides as follows:

The State is the authority that establishes the armed forces, the police, the security forces and any other forces. Such forces belong to the people as a whole, and no body, individual, group, organization or political party may establish forces or military or paramilitary formations for any purpose and under any name whatsoever. The Ministry of Defence is the body legally authorized to recruit individuals.

(b) Act No. 66 of 1991, on political organizations and parties

Article 8, paragraph 6, provides against the following:

- (a) Establishment of military or paramilitary formations or assistance in their establishment;**
- (b) The use, threat of use or incitement to use violence in any form;**
- (c) The inclusion in the programmes, publications or printed materials [of an organization] of any incitement to violence or the creation of open or secret military or paramilitary formations.**

²²⁸ Transmitted to the Secretariat by that Government on 4 March 2002 (S/2002/240, enclosure) and on 17 October 2002 (S/2002/1213, enclosure). Information was also provided in respect of other legislation, including Act No.1 of 2001 regulating the establishment of domestic associations and institutions; Act No. 66 of 1991, on political organizations and parties; the Banking Act (Act No. 38 of 1998); Act No. 40 of 1992 on the bearing of and trade in firearms and ammunition; Act No. 47 of 1991 concerning the entry and sojourn of aliens; the Central Bank Act (Act No. 14 of 2000); the Financial Code (Act No. 8 of 1990); the Commercial Code (Act No. 32 of 1991); the Civil Code (Act No. 14 of 2002); the Exchange Act (Act No. 20 of 1995).