

10. No owner or master of a Mauritius ship and no operator of an aircraft registered in Mauritius shall, directly or indirectly, carry, or cause or permit to be carried, any arms, weapons, ammunitions, military vehicles and equipment, paramilitary equipment, spare parts and related material, for any listed terrorist.

11. No person shall, directly or indirectly, provide any listed terrorist with technical advice, assistance or training related to military activities.

12. Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to penal servitude for a period not exceeding 5 years.

13. The regulations shall come into operation on ...³²

Made by the Prime Minister on ... 2003³³

LXXI. MEXICO³⁴

SUMMARY OF LEGISLATION OF MEXICO RELATED TO TERRORISM

(a) Federal Penal Code

Under Mexican law, the following are considered terrorism: the use of explosives, toxic substances, firearms or any other form of violence to attack persons, property or public services in a manner causing alarm, terror or fear in the general public or in a group or sector thereof for the purpose of disturbing the public peace, attempting to undermine the authority of the State or bringing pressure to bear on the authorities to take a particular decision. Such offences are punishable by 2 to 40 years' imprisonment and a fine of up to 50,000 pesos; however, the proposed reform would raise the minimum sentence to 18 years' imprisonment.

In addition, the following offences are also covered by Mexican law:

- Involvement in the clandestine importation into Mexican territory of explosives subject to control (5 to 30 years' imprisonment and a daily fine of 20 to 500 days);

³² These Regulations came into operation on 25 January 2003.

³³ Schedules 1 and 2, containing regulation 2 and the Status of Signature/Ratification of International Convention related to Prevention and Combating of Terrorism of Mauritius respectively, have been intentionally omitted from this publication.

³⁴ Transmitted to the Secretariat by that Government on 21 December 2001 (S/2001/1254, enclosure), 15 July 2002 (S/2002/877, appendix) and 8 September 2003 (S/2003/869, enclosure). Information was also provided in respect of the Health Act, the Population Act, the General Act on Credit Organizations and Related Activities, and the Federal Civil Code.

- Manufacture of explosives without the required permit; permits establish the conditions for the manufacture, sale and transport of explosives (5 to 15 years' imprisonment and a daily fine of 100 to 500 days);
- Management of a factory, industrial plant or other establishment in which activities involving explosives are conducted without meeting the safety regulations established by law (2 months' to 2 years' imprisonment and a daily fine of 2 to 100 days; the relevant permits may also be suspended or revoked);
- Carrying for unlawful purposes of an offensive weapon not used in work- or recreation-related activities (3 months' to 3 years' imprisonment);
- Unauthorized use of harmful substances or residues which pose a threat to public health (6 months' to 6 years' imprisonment);
- Seizure or diversion from its route or destination of a ship, aircraft, automobile, train or other means of transport through the use of physical violence, threats or deception (3 to 20 years' imprisonment and a daily fine of 100 to 400 days);
- Destruction using explosives or incendiary devices or by any other means of a ship, aircraft or other vehicle which is State-owned or provides services to the public (5 to 20 years' imprisonment; the sentence is increased to 20 to 30 years' imprisonment if the vehicle is occupied);
- Infringement of the inviolability of a sovereign or representative of another nation (3 days' to 2 years' imprisonment, without prejudice to any penalties imposed for other offences); and
- Hostage-taking with threat to kill or harm in order to induce the authorities or an individual to act or cease to act in some way (15 to 40 years' imprisonment and a daily fine of 500 to 2,000 days).

Once the amendments to the Federal Penal Code have been adopted, the offence of financing terrorism will be punishable by 18 to 40 years' imprisonment and a daily fine of 500 to 1,000 days.

Terrorism is criminalized in article 139 of the Federal Penal Code.

Article 139, paragraph 2, provides for one to nine years' imprisonment and a fine of up to 10,000 pesos for anyone who, having knowledge of the activities of a terrorist and his or her identity, does not report such knowledge to the authorities.

In accordance with article 13, paragraph VI, persons who fraudulently aid or abet others in committing an offence are considered to have participated in it. This means that when a terrorist act is committed or attempted, those who have provided funds to support it may be tried and punished as accomplices to the crime.

Article 141 of the Code imposes a penalty of one to nine years' imprisonment and a fine of up to 10,000 pesos on persons who conspire to commit the offence of terrorism and agree on the means to carry out their intentions.

(b) Federal Firearms and Explosive Act

In the case of supply of weapons and explosives to terrorist groups, the Federal Firearms and Explosives Act regulates, through strict controls, the sale, possession, transport, import and export of firearms and explosives in Mexican territory.

While this Act does not explicitly make it a crime to supply weapons to terrorists as such, it does penalize the stockpiling, possession, import and export of firearms and explosives without a licence or permit issued by the Ministry of Defence. Articles 84, 84 bis and 84 ter of the Federal Firearms and Explosives Act prohibit the illegal importation into the national territory of weapons, ammunition, cartridges, explosives and controlled substances and impose penalties of from three to 30 years' imprisonment.

(c) Federal Organized Crime Act

The Federal Organized Crime Act characterizes as organized crimes the arms stockpiling and trafficking referred to in articles 83 bis and 84 of the Federal Firearms and Explosives Act.

With respect to organized criminal groups, the Federal Organized Crime Act provides that the mere association of three or more persons who conspire to organize or who organize in order to engage, repeatedly or on an ongoing basis, in conduct which, in itself or together with other conduct, has as its purpose or result the commission of certain offences, including terrorism, shall be regarded as organized crime. The authorities have broad powers of investigation to prevent or, where applicable, to punish the crimes committed by such offenders; it is sufficient, for this purpose, for such offenders to organize or agree to organize and to be within the national territory.

Under article 2, paragraph I, of the Federal Organized Crime Act, terrorism is considered an offence of organized crime if three or more persons conspire to organize or organize in order to commit the offence repeatedly or on an ongoing basis:

Consequently, the rules contained in the Federal Organized Crime Act for investigation, prosecution, trial, punishment and enforcement shall be applied to members of organized crime who commit terrorist acts.

The following are noteworthy examples of such rules:

Investigation

Pursuant to article 8 of the aforementioned Act and articles 2, 19 bis and 19 bis (1) of the Regulations implementing the Act establishing the Office of the Attorney-General, a special organized crime unit in that Office is responsible for investigating and prosecuting offences committed by organized criminal groups, including terrorist groups.

For the investigation of such offences, the Federal Organized Crime Act provides for the interception of private communications, the doubling of pre-trial detention periods and the infiltration of agents into criminal groups. It also sets forth measures to protect witnesses, judges, experts, victims and other persons involved in criminal proceedings for offences related to organized crime. The Act also provides for certain benefits for any members of criminal groups who cooperate in investigations and prosecutions against other members.

Penalties

Persons managing, directing or supervising a criminal organization involved in terrorism are subject to eight to 16 years' imprisonment in addition to the penalty provided for in article 139 of the Federal Penal Code (see above), which may be up to 40 years.

For those not having the aforementioned functions, a sentence of four to eight years' imprisonment may be imposed, in addition to the penalty imposed for the offence of terrorism. These sentences may be increased by up to 50 per cent if the offender is a public servant or if minors or legally incompetent persons are used in committing the crime.

(d) Federal Code of Criminal Procedure

Article 194, paragraph I (4), of the Federal Code of Criminal Procedure defines terrorism as a serious offence.