

## **LXXIX. NEPAL<sup>46</sup>**

### **SUMMARY OF LEGISLATION OF NEPAL RELATED TO TERRORISM**

#### **(a) The Terrorism and Disruptive Activities Control and Punishment Ordinance 2058 (2001)<sup>47</sup>**

The Terrorism and Disruptive Activities Control and Punishment Ordinance has identified the following activities as terrorist activities:

- a) Any act or plan of using any kinds of arms, grenades or explosives, or any other equipment or goods with the objective of affecting or hurting sovereignty or the security and law and order of the Kingdom of Nepal or any part thereof or the property of the Nepalese diplomatic missions abroad thereby causing damage to property at any place or any act causing loss of life or dismemberment or injury or setting fire or hurting physically and mentally, or any act of poisoning goods of daily consumption causing loss of life or injury, or any other aforesaid acts thereby causing panic among the people in motion or assembled;
- b) Acts of intimidation or terrorizing of individuals at any place or in any vehicle or abducting them or creating terror among them by threatening to abduct them from vehicles and places or abduction of people travelling on such vehicles as well as activities like taking the life of others, causing physical mutilation, injury and harm or causing other types of damage by using substances mentioned in the relevant section in that connection or by threatening to use such substances or any other substances other than those mentioned in that section or threatening to use them, or, acts like the production, distribution, accumulation, peddling, import and export, marketing or possession or installation of any kind of arms and ammunition or bombs or explosive substances or poisonous substances or any assistance in this connection;
- c) Acts of recruiting people or giving training for this purpose;
- d) Any other acts aimed at creating and spreading fear and terror in public life;

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<sup>46</sup> Transmitted to the Secretariat by the Government on 28 December 2001 (S/2001/1326, enclosure), 31 March 2003 (S/2003/487, enclosure) and 18 November 2003 (S/2003/1119, enclosure). Information was also provided in respect of the Nepal Rastra Bank Act, 2058 (2002), the Extradition Act, the Income Tax Act, the Union and Association Act and the Nepal Treaty Act.

<sup>47</sup> This Ordinance has subsequently become "the Terrorism and Disruptive Activities (Control and Punishment) Act, 2058 (2002)."

e) Acts such as extortion of cash or property or looting of property for this purpose, forcibly raising cash or other assets or looting property in pursuit of the said purpose;

f) Any attempt or conspiracy to engage in terrorist or disruptive activity, or to encourage or force anyone to take up such activity, recruitment of more than one individual for such purpose, constituting any group to the same end, or assigning anyone to such activity or participating in such activity with or without pay or engaging in publicity for such activity, causing obstruction to government communications system, or giving refuge to any individual engaged in terrorist or disruptive activity, or hiding any person engaged in any of these activities.

The following provisions have been made in the new Ordinance to address terrorist activities:

a) Anyone indulging in crime in Nepal while residing abroad will also be subject to punishment;

b) The Government can declare a terrorist affected area or terrorist individuals;

c) House arrest can be used to prevent any terrorist and disruptive act;

d) Cases will be heard in a court constituted or designated by His Majesty's Government;

e) Arrangements will be made for reasonable expenses for treatment and compensation in case of the maiming or death of security personnel or police assigned to control or investigate terrorist and disruptive activities. Cases instituted under this Ordinance will not be subject to any statute of limitations;

f) Individuals arresting or helping in the arrest of any terrorist will be suitably awarded.

Financing, planning, preparation or perpetration of terrorist acts or supporting terrorist acts are considered serious crimes and they carry the same gravity as other terrorist activities do. The Ordinance defines as an act of terrorism the act of recruitment of members of terrorist groups and giving training for the purpose of creating and spreading fear and terror in public life; any attempt or conspiracy to engage in terrorist or disruptive activity or to encourage or force anyone to take up such activity, recruitment of more than one individual for such purpose, constituting any group to the same end, or assigning anyone to such activity or participating in such activity with or without pay or engaging in publicity for such activity or giving refuge to any individual engaged in terrorist or

disruptive activity, or hiding any person involved in such activities. The Ordinance provides the sentence of up to life imprisonment for such crimes.

The Ordinance further provides that “acts such as extortion of cash or other property or looting of property for this purpose (the purpose of terrorist activities), forcibly raising cash and other assets or looting of property in pursuit of the said purpose” is an act of terrorism. The Ordinance provides for the punishment of up to life imprisonment for such activities.

Any person, whether a Nepali or a foreigner, committing an act of terrorism directed against Nepal or any other State or citizen from the territory of Nepal, is subject to the provisions of this Act and hence punishable.

#### **(b) Other Laws**

There are several legal provisions in the laws of Nepal that prohibit the recruitment of members of terrorist groups and prevent the supply of weapons to terrorist.

The Sections 3, 4 and 5 of the Arms and Ammunition Act 2019 strictly prohibit the production, possession and sale of any kind of weapons (including any kind of machine gun, artillery gun and mortar, rifle, pistol, revolver, mining and grenade, fog signal, fuse, gun powder, detonator, cartridge and other weapons as defined by the Act) without license. Similarly, no one is authorized to buy such weapons without license within the country or outside the country under the provision of section 1 and 3 of the same Act. Any person who commits such a crime may face 7 years of imprisonment and financial penalty.

## **LXXX. NETHERLANDS<sup>48</sup>**

### **SUMMARY OF LEGISLATION OF THE NETHERLANDS RELATED TO TERRORISM**

The financing of terrorism is a criminal offence under the Dutch Criminal Code. It can be prosecuted in three ways. Firstly, as preparations for a criminal act under article 46 of the Criminal Code. The maximum penalty depends on the maximum penalty applying to the terrorist crime for which the financing was intended. In this case, the terrorist act need not actually have been committed. Secondly, as financing in the context of a criminal organization. In this case the

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<sup>48</sup> Transmitted to the Secretariat by that Government on 21 December 2001 (S/2001/1264, enclosure), 30 September 2002 (S/2002/1136, enclosure) and 11 September 2003 (S/2003/897, enclosure). Information was also submitted in respect of the Foreign Exchange Ordinance, the Dutch Aliens Act, the Money Transaction Offices Act, the Trust Offices Act, the Intelligence and Security Services Act.