

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, miring 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.

suspect can be prosecuted for participating in a criminal organization (article 140 of the Criminal Code). The maximum penalty for this is six years' imprisonment. Thirdly, it can be prosecuted as participation in an offence, such as conspiracy to incite a terrorist offence (whether successful or not), under articles 46(a) and 47 of the Criminal Code. The maximum penalties again depend on the maximum penalty applying to the terrorist offence for which the financing was intended.

Under the Dutch Criminal Code it is possible to hold both natural and legal persons criminally liable for offences committed (article 51 of the Criminal Code).

Dutch sanctions legislation is also relevant. Under the Sanctions Act (Sanctiewet 1977), the Government can implement international sanctions by means of a national decree. Violation of the Sanction Act can be prosecuted under the Economic Offences Act.

Recruitment to terrorist groups can be dealt with under criminal law in the Netherlands as incitement to any criminal offence or violent action against the public authorities (articles 131 and 132 of the Criminal Code). It can also be prosecuted as actual or attempted incitement to commit a criminal offence (articles 46(a) and 47 of the Criminal Code).

At the moment, participation in a criminal organization is punishable (article 140 of the Criminal Code by up to six years' imprisonment). If this participation consists of founding, leading or administering the organization, the sentence may be increased to a maximum of eight years' imprisonment.

Secondary universal jurisdiction with respect to major terrorist crimes has been established in the Dutch Criminal Code. This means that in cases where the Netherlands does not extradite a person suspected of committing a terrorist offence, it is obliged to prosecute the individual in question in the Netherlands. This prevents terrorists from finding a safe haven in the Netherlands.

Article 140 of the Criminal Code, whereby it is an offence to participate in a criminal organization, does not only apply to organizations whose aim is to commit criminal offences in the Netherlands. This means that a person in the Netherlands who participates in an organization whose aim is to commit criminal offences abroad, is committed a criminal offence under Dutch law.