

*Article 2504*

Extradition shall not be granted in the following cases:

If, in the opinion of the Ministry of Foreign Affairs, the person or persons in question are being prosecuted for political offences or their extradition is being requested for reasons that are primarily political. The kidnapping, homicide or assassination of a Head of State or of any person in exercise of public authority at the time of such crime shall not be deemed a political offence.

## **LXXXIX. PARAGUAY<sup>62</sup>**

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

In Paraguay, provision or collection of funds in order to carry out terrorist acts is not a separate crime. However, the Penal Code and legislation cover conduct directly related to such acts. The following articles of the Penal Code are relevant:

Article 196 – (Money Laundering);

Article 237 – (Incitement to commit punishable acts);

Article 238 – (Justification of the offence);

Article 239 – (Criminal association);

Article 263 – (Production of counterfeit currency);

Article 264 – (Circulation of counterfeit currency);

Article 265 – (Production and circulation of counterfeit official stamps);

Article 266 – (Preparation for the production of counterfeit currency and stamps)

The Aviation Code in force in Paraguay by virtue of Act 469/57, in chapter II on (aviation) crimes, does not define a punishable offence specifically related to the commission of acts of terrorism against civil aviation. However,

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<sup>62</sup> Transmitted to the Secretariat by that Government on 24 December 2001 (S/2001/1293, enclosure), 11 July 2002 (S/2002/878, enclosure) and 3 July 2003 (S/2003/700, appendix). Information was also provided in respect of Migration Act 978/96, Code of Penal Procedure, Act 1015/97 on preventing and penalizing unlawful acts to launder money or property.

chapter IV, article 11, paragraph 1, of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, ratified by Act 252/71, defines what is meant by unlawful seizure of aircraft. Article 1 of the Convention for the Suppression of the Unlawful Seizure of Aircraft, ratified by Act 290/71, makes it an offence unlawfully to seize an aircraft in flight, and article 2 requires the Contracting States to make the offence punishable by severe penalties. Article 1 of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, ratified by Act 425/73, defines various offences against civil aviation, and article 3 requires Contracting States to make them punishable by severe penalties.

The Penal Code, title III, chapter III, "Offences against the safety of persons in transit", sets penalties for a number of aviation offences, incorporating in domestic law the offences defined in the above-mentioned international conventions. The following articles are relevant:

Article 213 – (Attacks against civil air and maritime traffic);

Article 214 – (Dangerous interference with air, maritime and rail traffic);

Article 215 – (Endangering air, maritime and rail traffic).

## **XC. PERU<sup>63</sup>**

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

#### **(a) Decree Law No. 25475 of 5 May 1992**

Decree Law No. 25475 punishes crimes of terrorism, including the financing of acts of terrorism, and establishes procedures for investigation and prosecution.

In accordance with Article 2, a terrorist act is an action carried out by one or more persons for the purpose of provoking, creating or maintaining a state of anxiety, alarm or fear in the population or a sector thereof, with a view to changing the power structure by installing a form of a totalitarian government. Such acts are considered to be multiple offences because, through a single action, they injure or harm several legal rights protected and regulated by the Constitution and by the criminal laws in force.

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<sup>63</sup> Transmitted to the Secretariat by that Government on 9 January 2002 (S/2002/52, enclosure), 24 September 2002 (S/2002/1085, annex) and 12 August 2003 (S/2003/896, enclosure).