

Regarding the obligation to suppress the supply of weapons to terrorists, several provisions are relevant. The Norwegian Export Control Act prescribes a licence for all trade in weapons and military equipment. Such a licence is not granted if it is deemed possible that weapons might fall into the hands of terrorist groups or be used in armed conflicts between belligerent groups.

LXXXVI. OMAN⁵⁹

SUMMARY OF LEGISLATION OF OMAN RELATED TO TERRORISM

A number of acts and activities that may be classified as terrorist acts are criminalized by articles 131, 132 and 134 of the Omani Penal Code, article 31 of the Alien Residence Law and article 28 of the Weapons and Ammunition Law. National legislation provides that any person who participates in the financing, arrangement, preparation, perpetration or supporting of terrorist acts shall be brought to justice and that such acts constitute criminal offences. This is evidenced by the fact that article 132 of the Omani Penal Code, referred to above, deals with this issue and provides more severe penalties for the perpetration of terrorist acts, ranging from seven years' to life imprisonment or even execution, owing to the legislator's realization that such acts constitute serious criminal offences.

(a) Omani Penal Code promulgated by Royal Decree 7/71 and amendments thereto

Article 48: Any foreigner sentenced for a terrorist offence shall also be sentenced to exile from Omani soil under a special provision of the judgement.

If sentenced to disciplinary action for a serious or less serious offence he may be sentenced to exile if his offence is discreditable or constitutes a breach of national security or public morals or if it is established that he is a habitual criminal.

The judge may hand down a sentence of permanent exile or exile for a period varying between 3 and 15 years.

Article 52: In the event of conviction, the judge may rule confiscation of items seized that were used or intended for use in the perpetration of the crime and items acquired unlawfully through or as a result of the crime, without prejudice to the right of innocent third parties.

⁵⁹ Transmitted to the Secretariat by that Government on 15 January and 18 June 2002 (S/2002/87, enclosure and Add.1, enclosure), 25 July 2003 (S/2003/780, enclosure) and 1 June 2004.

Article 53: In any case, items made, acquired or used unlawfully shall be confiscated, even if these do not belong to the defendant or the person convicted and even if prosecution does not lead to conviction.

Article 54: If items that should be confiscated are not seized, the defendant or person convicted shall be granted a respite to deliver them, under penalty of payment of twice their value, as determined by the judge independently or on the basis of an expert opinion. The value shall be collected in the manner in which a fine is collected.

Article 93: Any person who furnishes any of the elements constituting or contributing directly to perpetration of a crime or incites thereto shall be considered a perpetrator.

“Incitement” means inducing or attempting to induce by whatsoever means a third party to perpetrate a crime. If the incitement does not produce any result the penalty shall be reduced by the proportion defined in paragraphs 2, 3 and 4 of article 96.

Article 95: Any person who commits one of the following acts shall be considered an accessory to a serious or less serious offence:

1. Provides assistance to the perpetrator in the preparation of the means or perpetration of the crime, strengthens his resolve or advises him on its perpetration;
2. Conspires with the perpetrator or accessory prior to the perpetration of the crime and participates in the suppression of the traces, in the concealment or disposal of items resulting thereof or in the concealment one or more than one perpetrator from justice;
3. Has knowledge of the criminal reputation of those who customarily commit highway robbery or acts of violence against national security or public safety or against persons or property and offers them food, shelter, refuge or a meeting place.

Article 96: An accessory without whose assistance the crime would not have been perpetrated shall be liable to punishment as if he himself were the perpetrator.

Other accessories shall be liable to life imprisonment or to a term of 7 to 15 years' imprisonment if the perpetrator is sentenced to death.

If the perpetrator is sentenced to life imprisonment, accessories shall be sentenced to a term of 5 to 10 years' imprisonment.

In other cases, accessories shall receive reduced sentences equal to five-sixths or two-thirds of the sentence of the perpetrator.

Article 97: With the exception of the cases provided for in article 95, paragraphs 2 and 3, any person who conceals or helps a person to disappear in the knowledge that he has committed an offence or who knowingly conceals or disposes of items acquired through criminal acts shall be considered not an accessory to the offence but a principal perpetrator of an independent offence punishable by three months' to two years' imprisonment.

Article 131: Any person who heads an armed group that customarily engages in sabotage, robbery or slaughter or who assumes a leadership function in such a group shall be liable to the death penalty:

1. On the sole grounds of acting to disrupt public safety;
2. On the sole grounds of attacking or resisting the forces taking action against persons who commit offences against national security.

The remaining members of a group formed with the objective mentioned in the preceding two paragraphs shall be liable for up to 15 years' imprisonment unless action by any one member has resulted in an offence calling for a more severe penalty.

Article 132: Any person who commits a terrorist act with the objective of inducing terror by means of explosives, poisonous, flammable or pestilential materials or any other means liable to cause a public danger shall be liable to a minimum of seven years' imprisonment.

Conspiracy to commit an act of terrorism shall be punishable by a minimum of 10 years' imprisonment.

If the act leads to the destruction of a public building or institution or a ship or aircraft or any installation pertaining to communications or transport, the perpetrator shall be liable to life imprisonment.

He shall be liable to the death sentence if the act leads to loss of human life or the destruction of a building or an inhabited part thereof.

Article 134: Subject to the provisions of the Law on Societies and Associations, promulgated on 1 January 1972, it is forbidden to form associations, political parties and organizations with aims opposed to the constitutional, social or economic structures in Oman.

It is also forbidden to establish in Omani territory a branch of any foreign political party the aims of which are opposed to the structures referred to in the preceding paragraph.

If such a body or a branch thereof is established contrary to the provisions of the preceding two paragraphs it shall be dissolved, its assets shall be confiscated, its founders and organizers shall be liable to 3 to 10 years' imprisonment and its members shall be liable to one to three years' imprisonment.

Article 149: Any person who commits an attack in Omani territory against the life, safety or liberty of a foreign head of State shall be liable to the death penalty and if the attack is not life-threatening to 3 to 15 years' imprisonment.

Article 199: "Forgery" means the deliberate distortion of the accuracy of facts and data the authentication of which is sought through a document or any other written instrument constituting a document where such distortion may result in a material, moral or social benefit for oneself or damage to a third party.

Article 200: Any person who knowingly uses a forged instrument shall be liable to the penalties to which a forger is liable.

Article 201: If a forgery is perpetrated or a forged instrument used with the intention of establishing the truth the sentence shall be reduced pursuant to article 109 of this Law.

(b) Weapons and Ammunition Law, promulgated by Royal Decree No. 36/90

Article 28: Any person having a permit to possess, import, export, trade in or repair weapons or ammunition shall be required to protect them, to take reasonable precautions to prevent them from being lost or stolen and to prevent anyone not lawfully entitled to possess them from obtaining them at any time. He shall also be required to report immediately to the nearest police station any loss, theft or destruction thereof and to exhibit his permit and such weapons and ammunition to police officers on request.

LXXXVII. PAKISTAN⁶⁰

SUMMARY OF LEGISLATION OF PAKISTAN RELATED TO TERRORISM

In 1997, the Anti-Terrorism Act was adopted with the aim of preventing terrorist acts, sectarian violence and in order to ensure speedy trials of those involved in heinous offences. In August 2001, the Act was further amended to enlarge its scope.

⁶⁰ Transmitted to the Secretariat by that Government on 27 December 2001 (S/2001/1310, enclosure), 11 July 2002 (S/2002/797, enclosure) and 25 February 2003 (S/2003/307, enclosure). Information was also provided in respect of the Extradition Act, 1972, and the Surrender of Illicit Arms Act 1991.