

XCI. PHILIPPINES⁶⁵

SUMMARY OF LEGISLATION OF THE PHILIPPINES RELATED TO TERRORISM

Although there is no specific law against terrorism, the Revised Penal Code (Act No. 3815) of the Philippines covers all terrorist activities or those criminal acts that tend to create or sow common danger or a state of terror on the general public to achieve a pre-determined purpose or objective, such as air hijacking, sabotage, abductions, kidnappings, bombings, slaying or assassination, arson, armed attack or threats.

The following provisions of the Revised Penal Code address and provide penalties for terrorism and acts arising as a consequence thereof:

- Article 122 and 123 (Piracy)
- Articles 248 (Murder) and 249 (Homicide)
- Articles 262-266 (Physical injuries)
- Article 267 (Kidnapping and Serious Illegal Detention)
- Articles 293-302 (Robbery)

The following domestic laws also punish certain acts of terrorism, and addresses terrorist threats in the country:

- Republic Act No. 6235 dated 19 June 1971 entitled "An Act Prohibiting Certain Acts Inimical to Civil Aviation";
- Presidential Decree No. 532 dated 8 August 1974 entitled "The Anti-Piracy/Anti-Robbery Law of 1974", an amendment to Article 122 (Piracy and Mutiny on the High Seas or in Philippine Waters) of the Revised Penal Code;
- Executive Order No. 246 dated 18 May 1995 reconstituting the National Action Committee on Anti-Hijacking (updating Executive Orders No. 393 dated 24 January 1990 and No. 452 dated 5 April 1991) as the National Action Committee on Anti-Hijacking and Anti-Terrorism (NACAHT);

⁶⁵ Transmitted to the Secretariat by that Government on 21 December 2001 (S/2001/1290, enclosure), 8 February 2002 (S/2001/1290/Add.1, enclosure), 5 July 2002 (S/2002/785, enclosure), and 2 October 2003 (S/2003/979, enclosure).

- Administrative Order No. 344 creating the National Organizing Committee for the World Forum to combat international drug trafficking, money laundering, terrorism and organized crime;
- Executive Order No. 30 dated 30 September 1998 providing logistical support to NACAHT.

In addition, the Philippines Anti-Money Laundering Act of 2001 (Republic Act 9160)⁶⁶ was enacted to help prevent the flow of funds to terrorist groups through greater transparency and accountability in the banking and financial sectors of the economy. It is aimed at combating transnational crimes such as terrorism, money laundering and cross-border securities fraud. The Act provides the authority to freeze accounts and assets at banks and financial institutions.

Moreover, there are two pending bills at the Philippine Senate that seek to address domestic and international terrorism and provide severe penalties for such acts: Senate Bill No. 264, entitled “An Act to Protect the State Against Aliens and Organizations Engaged in International Terrorism (Amending the Philippine Immigration Act of 1940), and Senate Bill No. 1353, entitled, “The Anti Terrorism Act”.

XCII. POLAND⁶⁷

1. SUMMARY OF LEGISLATION OF POLAND RELATED TO TERRORISM

(a) The Constitution

In accordance with Article 91 of the Constitution, ratified international treaties, including all anti-terrorist conventions and protocols to which Poland is party, enjoy a privileged position of the sources of law in Poland. They are applied in the same way as domestic law and have priority over executive acts and administrative measures. In case of discrepancies between a treaty and international law, the priority of the former is indisputable.

⁶⁶ The Anti-Money Laundering Act took effect on 7 October 2001.

⁶⁷ Transmitted to the Secretariat by that Government on 21 December 2001 (S/2001/1275, enclosure), 14 June 2002 (S/2002/677, enclosure) and 30 January 2003 (S/2003/271, enclosure). Information was also provided in respect of the Penal Proceeding Code, Law of 21 May 1999 on arms and munitions, Law of 22 June 2001 concerning the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons, Law of 29 November 2002 on external trade in goods, technologies and services of strategic importance for both state security and the keeping of the international peace and security.