

XCIII. PORTUGAL⁶⁸

SUMMARY OF LEGISLATION OF PORTUGAL RELATED TO TERRORISM

Article 300 (1) of the Portuguese Penal Code foresees the punishment by 5 to 15 years of imprisonment of “whoever promotes or establishes a terrorist group, organization or association, adheres thereto or supports it.” This provision encompasses all forms of support, both active or passive, to terrorist groups or organizations, namely the recruitment into terrorist organizations and obtaining weapons for terrorist purposes. It also criminalizes the conduct of those who finance terrorist groups or organizations.

Article 300 (2) defines a terrorist group, organization or association as “any group of two or more persons who, acting in coordination, aim at jeopardizing national integrity or national independence, preventing, altering or subverting the functioning of States institutions provided for in the Constitution, forcing public authority to practice an act, abstain from practicing it or tolerate its practice, or yet at intimidating certain persons, groups of persons or the general population through the practice of crimes:

- a) Against life, physical integrity or personal freedom;
- b) Against the safety of transportation and communication, including telegraphic, telephonic, radio or TV communication;
- c) Of deliberate creation of common danger, through fire, dissemination of radioactive substances or toxic or suffocating gases, flood or avalanche, collapse of building, contamination of food and water for human consumption or diffusion of disease, plague or harmful plant or animal;
- d) Of sabotage;
- e) Which imply the usage of nuclear energy, firearms, explosive substances or devices, firebugs of any kind, trapped parcels or letters.”

Article 275(1) punishes with imprisonment between two and five years the import, manufacture, obtaining through transformation, storage, purchase, sale, transfer or acquisition of any title or by any means, transportation, distribution, detention, usage or possession of a weapon classified as war material, prohibited firearm or arm aimed at projecting toxic, suffocating, radioactive or corrosive

⁶⁸ Transmitted to the Secretariat by that Government on 18 January 2002 (S/2002/120, enclosure), 18 March 2002 (S/2002/120/Add.1, enclosure), 17 October 2002 (S/2002/1190, enclosure) and 18 September 2003 (S/2003/1018, enclosure). Information was also provided in respect of Decree Law 325/95, Act 5/2002 of 11 January 2002 and Act 10/2002 of 11 February 2002.

substances, or an explosive or radioactive device or substance, or substance used in the manufacture of toxic or suffocating gases, in violation of legal conditions or contrary to the prescriptions of the competent authority.

Articles 4 to 7 apply in general to acts that occur in Portuguese territory and, in the absence of an international treaty or convention stipulating otherwise, to acts that occur outside national boundaries, *inter alia*, in the case of crimes of terrorism, terrorist organization, crimes against State security or against the rule of law.

Article 174(4) allows criminal police to pursue “searches and personal searches” in cases of violent or highly organized criminality, *inter alia* crimes of terrorism, thus waiving the need of these to be previously authorized, or presided over, by a judicial entity.

Article 187 provides for the “admissibility of telephone tapping” in the collection of evidence. Tapping requires a judicial order and can be determined only in the case of crimes expressly enunciated in this Article, which includes the crime of terrorism.

XCIV. QATAR⁶⁹

SUMMARY OF LEGISLATION OF QATAR RELATED TO TERRORISM

Article 84 of the Penal Code of 1971 provides that: “Whosoever founds or participates in the founding of, runs, or participates to any extent in the running of, an illegal organization shall be punished by a term of imprisonment not exceeding seven years”.

Article 85 provides as follows: “Any person not covered by the above Article who provides either financial or moral assistance in promoting an illegal organization, while knowing or having reason to believe there is an illegal organization, shall be punished by a term of imprisonment of not more than one year and by a fine not exceeding 1,000 Rials, or by both penalties.”

The Penal Code defines the scope of its applicability as regards persons in Articles 4-8 of the second section.

⁶⁹ Transmitted to the Secretariat by that Government on 4 January 2002 (S/2002/26, enclosure) and 21 October 2002 (S/2002/1211, enclosure). Information was also provided in respect of Law No 9 of 1987 on combating narcotic drugs and dangerous psychotropic substances; Law No. 8 of 1998 on private organizations and institutions; Law No. 15 of 2002 on civil aviations; Law No. 28 of 2002 on combating money-laundering.