

The punishment provided for unlawful activity is imprisonment up to seven years and fine. Any person assisting any unlawful activity is punishable for imprisonment up to five years or with fine or with both.

This was the first Act under which the assets of any terrorist organization could be frozen. The punishment provided for unlawful activity is also not commensurate with terrorist acts.

It provides for banning of organizations but it covers only those organizations who support cession or secession of a part of a territory of India from the Union or Acts which are intended to disrupt the sovereignty and territorial integrity of India.

XLIX. INDONESIA¹³²

SUMMARY OF LEGISLATION OF INDONESIA RELATED TO TERRORISM

The Indonesian Penal Code includes the following:

Book II on crimes, Chapter V on crimes against the public order

Article 160 which, inter alia, states:

“Any person who orally or in writing incites in public to commit a punishable act, a violent action against the public authority or any other disobedience, either to a statutory provision or to an official order issued under a statutory provision, shall be punished by a maximum imprisonment of six years ...”

Article 163 bis which, inter-alia, states:

“(1) Any person who by one of the means mentioned in Article 55 under 2 attempts to induce others to commit a crime, shall, if it does not result in the crime or a punishable attempt thereto, be punished by a maximum imprisonment of six years ...”

The above articles could be used as legal basis to prevent the recruitment of individuals for terrorist activities.

¹³² Transmitted to the Secretariat by that Government on 21 December 2001 (S/2001/1245, enclosure).

Book II on crimes, Chapter VII on crimes whereby the general security of persons or property is endangered

Article 187 which states:

“Any person who with deliberate intent sets fire, causes explosion or causes a flood, shall be punished: first, by a maximum imprisonment of twelve years if thereby general danger to property is feared; second, by a maximum imprisonment of fifteen years if thereby danger of life for another is feared; and third, by life imprisonment or a maximum temporary imprisonment of twenty years if thereby danger of life for another is feared and the act results in the death of someone.”

Article 187 bis which inter-alia states:

“(1) The person who produces, receives, tries to procure, has in store, conceals, transports or imports into Indonesia stuffs, objects or tools of which he knows or reasonably must suspect that they are intended or will occasionally be used to cause an explosion, whereby danger of life or general danger to property is feared, shall be punished by a maximum imprisonment of eight years or a maximum light imprisonment of one year.

“(2) The defectiveness of the stuffs, objects or tools referred to in the foregoing paragraph, in causing an explosion above described, shall not exempt from liability to punishment.”

This article could be applied against individuals or groups which supply weapons for terrorist activities. Both articles could be applied against terrorist activities carried out both by individuals or groups. Moreover, in certain cases these articles could be linked with other articles relating to criminal acts.

L. ISLAMIC REPUBLIC OF IRAN¹³³

SUMMARY OF LEGISLATION OF THE ISLAMIC REPUBLIC OF IRAN RELATED TO TERRORISM

There are a number of distinct laws in place in the Islamic Republic of Iran that criminalize certain acts that cover some forms of terrorism. These laws cover acts that intend to, or knowingly cause to result in, including but not limited to, murder, bombing or use of explosive or other means to cause destruction and insecurity and/or instill public fear, interference with safety of air navigation including hijacking, interference with safety of oil and other industries as well as

¹³³ Transmitted to the Secretariat by that Government on 27 December 2001 (S/2001/1332, enclosure) and on 19 February 2003 (S/2003/266, enclosure).