

Il y a concours idéal lorsque les mêmes faits sont susceptibles de plusieurs qualifications différentes. Dans ce cas, les poursuites peuvent être déclenchées sous l'empire de toutes ces qualifications possibles. Mais les juridictions de jugement ne retiendront que la qualification la mieux adaptée aux faits.

Dans le concours réel d'infractions, différentes infractions sont commises par une ou plusieurs personnes avec chacune sa propre qualification.

Dans cette hypothèse, les poursuites se feront sur le fondement juridique attaché à chaque infraction.

CVII. SEYCHELLES¹¹⁰

SUMMARY OF LEGISLATION OF THE SEYCHELLES RELATED TO TERRORISM

(a) Penal Code

Criminal acts that may be committed by terrorists are criminal offences in Seychelles and are severely punished. Under the Penal Code, provision is made for the following offences –

- Possession of a firearm or other offensive weapon, ammunition, incendiary material or explosive – seven (7) years;
- Murder – imprisonment for life;
- Attempt to murder – imprisonment for life;
- Suicide pact (manslaughter) – imprisonment for life;
- Attempt to injure by explosive substance – fourteen (14) years;

¹¹⁰ Transmitted to the Secretariat by that Government on 31 March 2003 (S/2003/435, annex and enclosure). Information was also provided in respect of the following: the Anti-Money Laundering Act, 1996; the Central Bank Act, Cap 26; the Financial Institutions Act, Cap 79; the International Business Companies Act, 1994; the International Trust Act, 1994; the Seychelles International Business Authority Act, 1994; the Exchange Control Act, Cap 76; the Immigration Decree, Cap 93; the Passport Act, Cap 155; the Mutual Legal Assistance Act, 1995; the Extradition Act, 1991; the Criminal Procedure Code, Cap 54; the Firearms and Ammunition Act, Cap 80; the Explosives Act, Cap 77; the Foreign Earnings (Regulation) Act, Cap 84A; the Public Order Act, Cap 194; and the Control and Protection of Clients Accounts Act, Cap 44.

- Maliciously administering poison with intent to harm – fourteen (14) years;
- Unlawful wounding or unlawfully with intent to injure or annoy any person causes any poison or other noxious thing to be administered or taken by a person – seven (7) years;
- Dealing in poisonous substance in a negligent manner – six months or a fine of RS 1,000;
- Kidnapping – seven (7) years;
- Kidnapping or abducting in order to murder – ten (10) years;
- Hijacking – imprisonment for life.

Section 84 of the Penal Code (Cap 158) provides an offence for possession or control of any firearm or other offensive weapon, or any ammunition, incendiary material or explosive in circumstances which raise a reasonable presumption that such firearm, offensive weapon, ammunition, incendiary material or explosive is intended to be used in a manner or for a purpose prejudicial to public order.

An offence is also committed by any person “who consorts with or is found in the company of another person who in contravention of subsection (1) ... in circumstances which raise a reasonable presumption that he intends to act or has recently acted with such other person in a manner and for a purpose prejudicial to public order”.

Further, an offence is committed by any person “who...knowingly negotiates, procures arranges for, or is in any way concerned in or assists in the delivery to any person to any other person of any firearm or other offensive weapon, or any ammunition, incendiary material or explosive, whether by way of sale, hire, gift, loan, or otherwise in circumstances which raised a reasonable presumption that he knew or believed that such firearm offensive weapon, ammunition, incendiary material or explosive was intended or likely to be used by any person in a manner or for a purpose prejudicial to public order”.

Any person guilty of these offences is liable to imprisonment for seven or five years.

(b) Other legislation

The Public Order Act prohibits the holding of public meetings or public processions without a permit from the Commissioner of Police. The Act further prohibits any quasi-military organization (an association of persons organized or trained or equipped for the purpose of enabling them to be employed in such a

manner that such employment usurps or tends or appears to usurp the functions of the police or of the armed forces of the Republic) and any person who takes part in the control or management of such an organization or in so organizing or training shall be guilty of an offence and is liable to a fine of five thousand rupees and up to imprisonment for five years.

CVIII. SINGAPORE¹¹¹

SUMMARY OF LEGISLATION OF SINGAPORE RELATED TO TERRORISM

(a) United Nations Act and United Nations (Anti-Terrorism Measures) Regulations 2001

Any person living in Singapore is covered by the provisions of the United Nations Act and the United Nations (Anti-Terrorism Measures) Regulations 2001. Any person present in Singapore who is financing terrorist activities outside Singapore would be guilty of an offence under the Regulations.

Regulation 5 of the Regulations 2001 provides that no person in Singapore and no citizen of Singapore outside Singapore shall (a) provide funds to any person by any means, directly or indirectly, or (b) collect funds for any person by any means, directly or indirectly, if he knows or has reasonable grounds to believe that the funds will be used to commit any terrorist act or facilitate the commission of any terrorist act.

Regulation 4(1) defines the term "funds" as including (but not confined to) cheques, bank deposits and other financial resources.

The term "terrorist act" has also been given a comprehensive definition (in regulation 4(1)) so as to ensure that all terrorist acts will indeed fall within the ambit of the Regulations.

The term "person" in the Regulations includes any company or association or body of persons, corporate or unincorporate (as provided in section 2 of the Interpretation Act).

The Regulations were amended (with effect from 12 March 2002) and three new provisions were added. Regulation 7A provides that no person in Singapore and no citizen of Singapore outside Singapore shall, directly or

¹¹¹ Transmitted to the Secretariat by that Government on 20 December 2001 (S/2001/1234, enclosure), on 17 June 2002 (S/2002/690, enclosure) and on 14 February 2003 (S/2003/480, enclosure). Information was also provided in respect of the following: the Arms and Explosives Act; the Arms Offences Act; the Extradition Act; the Banishment Act; Societies Act; and Charities (Fund-Raising Appeals for Foreign Charitable Purposes) Regulations.