

LXXXV. NORWAY⁵⁵

SUMMARY OF LEGISLATION OF NORWAY RELATED TO TERRORISM

Norway adopted on 5 October 2001 a Provisional Ordinance in order to implement Security Council resolution 1373 (2001)⁵⁶. The Provisional Ordinance, in Sections 2 and 3, made it a serious criminal offence to finance directly or indirectly terrorist acts and require the Norwegian authorities to immediately freeze any assets or funds belonging to any person or entity suspected of such acts.

Other relevant Norwegian laws include the General Civil Penal Code (hereinafter referred to as the "Penal Code"), the Criminal Procedure Act, the Security Act, the Immigration Act, the Financial Institutions Act and other relevant legislation as well as supplementary regulations⁵⁷. Some of these provisions are explained in further detail below⁵⁸.

The obligation to criminalize the financing of terrorism has been replaced by the new Sections 147 (a) and (b) of the Penal Code. A person who finances terrorist acts will in principle be considered to be an accomplice with regard to the terrorist act itself (the term "*accomplice*" is defined in the new Section 147 (a)). According to the new Section 147 (a), such a person is liable to imprisonment for a term not exceeding 21 years. In those cases where Section 147 (a) is not applicable, the new Section 147 (b) overlaps and expands the criminal liability for funding terrorism.

Section 147 (b), first paragraph, attaches criminal liability to those who obtain or collect funds or other financial assets in order that these financial assets

⁵⁵ Transmitted to the Secretariat by that Government on 26 November 2001 (S/2001/1138, enclosure), 8 July 2002 (S/2002/791, enclosure) and 12 February 2003 (S/2003/265, enclosure).

⁵⁶ According to the Norwegian Constitution, a Provisional Ordinance has the same legal status as an Act passed by the Parliament. In order to replace the Provisional Ordinance and establish permanent legislation the Parliament passed a bill on 17 June 2002 amending a number of acts so as to establish legislative measures against acts of terrorism and the financing of terrorism.

⁵⁷ The Norwegian National Security Commission, which assessed whether the Norwegian legislation is adequate for preventing and prosecuting terrorist acts in Norway or against Norwegian interests, established in 1993 that Norwegian criminal legislation must be "presumed to include concrete penal provisions that cover any kind of act a terrorist could conceivably commit."

⁵⁸ It should be noted that Norwegian criminal law is in general characterized by moderate maximum penalties, in harmony with Nordic legal tradition. Unless otherwise expressly stated, imprisonment may be imposed for a term of from 14 days to 15 years (cf. Section 17 of the Penal Code). Imprisonment may never exceed 21 years, no matter how grave the felony. Norway is, however, considering revising its maximum penalty. In a green Paper presented by the Government in June 2002, it is proposed to increase the maximum penalty from 21 years to 30 years of imprisonment.

should be used, in full or in part, to finance terrorist acts or any other contravention of the provisions of the new section 147 (a).

Norwegian penal provisions, which attach criminal liability to acts committed as part of terrorist acts, indirectly, prohibit recruitment of terrorist groups. The provisions of the Provisional Ordinance also have this effect. However, the Penal Code also contains a broad range of provisions that more directly target participation in terrorist activity. The Penal Code Section 104 (a) attaches criminal liability to any person who forms or takes part in a private organization of a military character or who supports any such organization. If the organization or its members control supplies of arms and explosives, the penalty shall be imprisonment for a term not exceeding six years. A similar provision is to be found in the Penal Code section 330.

Most of the provisions of the Penal Code are given such a broad wording that they also cover terrorist acts, for example Chapter 22 dealing with Felonies against another person's life, body and health. The provisions that are mentioned in the following are examples showing that terrorist acts are punishable as serious criminal offences (unless otherwise explicitly stated, all the references are to be Penal Code).

Section 148 provides that any person who wilfully causes any fire, collapse, explosion, flood, maritime damage, railway accident or aircraft accident which may easily result in loss of human life or extensive destruction of another person's property, shall be liable to imprisonment for a term of not less than two years and not more than 21 years. If the felony leads to any person's death or to serious bodily injury, the term of imprisonment shall be no less than five years. Any person who tries to hinder the prevention of any such act as referred to in Section 148 shall, according to Section 149, be liable to imprisonment for a term of not less than one year and not more than 15 years. Any person who brings about any such danger as is mentioned in Section 148 shall, according to Section 150, be liable to imprisonment for a term not exceeding six years, or 12 years if an accident is caused.

According to Section 151 (a), any person who on board a ship or aircraft by violence, threats or otherwise unlawfully and forcibly takes control of the vessel or aircraft or otherwise interferes with its sailing or flying, shall be liable to imprisonment for a term of not less than two years and not more than 21 years. The same penalty applies to any person who by similar means unlawfully and forcibly takes control over any installation or construction on the continental shelf. Any attempt may be liable to the same penalty as a completed felony.

Section 151 (b) provides that any person who by destroying, damaging or putting out of action any data collection or any installation for supplying power, broadcasting, telecommunication or transport causes comprehensive disturbance in the public administration or in community life in general is liable to imprisonment for a term not exceeding ten years. According to Section 152, any person who adds noxious substances to reservoirs or drinking water is liable to imprisonment

for a term not exceeding five years, and up to 21 years if general danger is thereby caused to human life or health.

Section 152 (a) covers the unlawful handling of plutonium or uranium, and is part of the implementation of the Vienna Convention on the Physical Protection of Nuclear Material of 1979. Any person who commits such a felony is liable to imprisonment for a term not exceeding four years.

Section 152 (b) deals with various kinds of environmental crime, including methods that can be used by terrorists, for instance pollution of air, water or soil. If any person's death or considerable harm to body or health has resulted there from, imprisonment for a term not exceeding 15 years may be imposed. The provision is supplemented by Section 153, which covers poisoning of products intended for general use or sale. If the product cannot be used for the purpose intended without causing death, injury to health or general danger, the perpetrator is liable to imprisonment for a term not exceeding 21 years.

Unlawful production or possession of bacteriological substances or weapons is covered by Section 153 (a), and may lead to imprisonment for a term not exceeding ten years. Spreading of a dangerous contagious disease is punished in the same way, by Section 154.

Any person who conspires with anyone with the intent to commit or be accessory to any of the felonies referred to in Sections 148, 151 (a), 152, 153 or 154 is liable to imprisonment for a term not exceeding ten years (Section 159). Section 160 is also especially relevant in the fight against terrorism by stipulating that any person who publicly gives or offers instruction in the use of explosives or poison as a means of committing felonies is liable to imprisonment for a term not exceeding ten years.

The Penal Code is applicable to all acts committed within the realm, whether committed by a Norwegian national or a foreign national. A terrorist act may be prosecuted in Norway even if its effect only occurred or was only intended to be produced abroad. The Norwegian Penal Code is also applicable, *inter alia*, to all acts committed on installations or constructions placed on the Norwegian continental shelf and used for exploration or storage of submarine natural resources, on any Norwegian vessel, and on any Norwegian aircraft outside Norwegian jurisdiction.

Those who finance, plan, facilitate or commit terrorist acts from Norwegian territory may be extradited according to the Norwegian Extradition Act, provided the act in question is punishable by deprivation of liberty for a maximum period of more than one year. It may follow from international agreements that extradition may take place even if this condition has not been met. Acts of terrorism are not regarded as political offences under Norwegian law.

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.