

In the Name of Almighty Allah the most Merciful, the most compassionate

Law on Combat against Terrorist Offences

Chapter One General Provisions

Basis

Article 1:

This Law has been enacted in the light of the provision of Paragraph (2), Article (7) of the Afghanistan Constitution for combat against terrorist offences.

Responsible Institutions for Combating

Article 2:

The Ministry of Internal Affairs, the General Directorate of National Security and other relevant institutions with cooperate and exchange of information under their remit according to the provisions of this Law and other related laws, shall combat against terrorist offences.

Definitions

Article 3:

The terms used in this Law mean as following:

- 1. Terrorist Offences:** is the commission of crime mentioned in this Law, in order to affect the political affairs of the Government of Afghanistan, a foreign Government, national or international organizations or to destabilize the Government system of Afghanistan or of a foreign government.
- 2. Terrorist and Terrorist Organization:** is real or legal person which has committed one of the offences mentioned in this Law or designated as a terrorist or terrorist organization by Resolution of the Security Council of the United Nations, provided that the Resolution is certified by the National Assembly.
- 3. Severity:** is any physical action (attack) with weapon including beating and lacerating tools and firearms or use of physical force that a person takes measures to commit and continues with that threat.
- 4. Support:** is providing financial source, residence, training, shelter, counsel and assistance, falsification of identification, communication equipments, and weapon, chemical, nuclear and other explosive substances, human resources, transportation services and other facilities.

5. **Internationally Protected Person:** is a person who is entitled to special protection rights, based on international legal documents.
6. **Infrastructural Establishments:** are governmental and non-governmental establishments that provide public services including production, storage and distribution of gas, fuel and water, water supply and canalization systems, generation of electricity, financial services, education, banking, health, fire fight and rescue services, transportation including land, air and sea, surveillance of roads and highways, protective, security and communication lines or other social and economical services.
7. **Naval or Sea Fixed Platforms:** means an area or a facility built permanently attached to the sea-bed for the purpose of research and exploitation of mines or other economical purposes.
8. **Explosive Materials and Lethal Devices:** Incendiary device, toxic chemical substances, biological factors and other substances that has the capability to cause death, serious injury, diseases, and physical damages.
9. **Nuclear Materials: includes the following materials:**
 - Plutonium
 - Uranium is not in the form of ore or ore residue that contains the mixture of isotopes in their natural form.
 - Enriched uranium is the uranium that contains isotope 233 and/or 235 or the difference between the number of these isotopes and the number of isotope 238 is larger than the difference between isotope 235 and isotope 238 as found in their natural form.
 - Uranium 233.
10. **Radioactive substances:** are nuclear substance and other radioactive substances that contain nucleus and spontaneously get dismantled (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and which may, due to their radiological or fissile properties, cause death, serious body injuries, psychological damage or considerable damages to properties or to the environment.
11. **Aircraft in flight:** An aircraft from the moment all external doors are closed for the purpose of flying and until the moment when one of the external doors is opened to allow passengers leave the aircraft. In case of forced landing, until the moment when competent authorities take over responsibility for the aircraft, passengers and the property on board, they aircraft shall be considered in flight.

Jurisdiction

Article 4:

If a citizen of Afghanistan, a citizen of a foreign government or a person without a citizenship commits the offences mentioned in this Law under the following circumstances, the provisions of this Law shall be applied to him/her:

1. The offence is committed in the territory of Afghanistan.
2. The offence is committed against a citizen of Afghanistan or other individuals residing in Afghanistan or against Afghanistan's interests outside of the country.
3. The offence is committed inside or against an aircraft registered in Afghanistan.
4. The offence is committed inside or against a ship carrying a flag of Afghanistan.
5. The offence is committed inside or against a facility where the diplomatic or other missions of Afghanistan is located or against the facilities belonging to the Government of Afghanistan.
6. The offence is committed inside an aircraft registered in Afghanistan and it lands in the territory of Afghanistan while the perpetrator of the offence mentioned in Article (9) of this Law is inside the aircraft.
7. The offence is committed against the person mentioned in Article (13) of this Law who has work-related relationship with the Government of Afghanistan.

Proceeding of Juvenile Terrorist Offences

Article 5:

If the offences mentioned in this Law are committed by juveniles, the proceedings to these offences shall be carried out according to the Law on Juvenile Violations.

Rights of the Suspect and Accused

Article 6:

During investigation and trial, the suspect and accused of terrorist offences shall have the same legal rights as the suspects and accuseds of other offences.

Rights of Suspect and Accused of Foreign Citizens

Article 7:

If a suspect or accused of the offences mentioned in this Law is a foreign citizen, after arrest and detention, they shall have the following rights in addition to the rights stated in other legislations:

1. Notification of his/her country's diplomatic mission through the Ministry of Foreign Affairs without any delay.
2. Visit with the representative of his/her government.
3. Informing him/her of his/her rights under subparagraphs (1&2) of this Article.

Chapter Two

Terrorist Offences and their Punishment

Possession or Taking Control of an Aircraft, Ship or Fixed Platform

Article 8:

(1). A person who by use of force (severity) or other intimidating means takes possession or control of an aircraft in flight or a ship or the fixed platform or part of them, with consideration of circumstances, he/she shall be sentenced to long term or continuous imprisonment.

(2). If the person mentioned in Paragraph (1) of this Article commits serious injury or death, with consideration of circumstances, he/she shall be sentenced to continuous imprisonment or execution.

(3). If the person threatens to commit the acts mentioned in Paragraph (1) of this Article, he/she shall be sentenced to medium term imprisonment of not less than three years.

(4). If as a result of the threat mentioned in Paragraph (3) of this Article, the person is put under physical or psychological pressure, with consideration of circumstances, he/she shall be sentenced to imprisonment of not less than three and more than seven years.

Offences against Air safety

Article 9:

(1). A person commits one of the following acts shall be punished as following:

1. If the person takes a severe action against one of the passengers while the aircraft is in flight and this action endangers the safety of the aircraft, with consideration of circumstances, he/she shall be sentenced to imprisonment of not less than five and more than ten years.
2. If the person damages an operational aircraft in a way that prevents it from flying or likely endangers the safety of the aircraft, or damages or destroys a non-operational aircraft, he/she shall be sentenced to long term or continuous imprisonment or execution.
3. If the person places or causes to be placed in an aircraft devices or materials that could result in the destruction of the aircraft or cause damage that prevents it from flying or likely endangers the safety of the aircraft in flight, with consideration of circumstances, he/she shall be sentenced to imprisonment of not less than ten and more than fourteen years.
4. If the person destroys or damages the civil aviation facilities or disrupts their activities in a way that endangers the safety of the flight, with consideration of circumstances, he/she shall be sentenced to imprisonment of not less than ten years or continuous imprisonment.

5. If the person knowingly provides false information in away that endangers the safety of the aircraft, with consideration of circumstances, he/she shall be sentenced to medium term imprisonment of not less than three years.

(2). If the person threatens to commit offences mentioned in subparagraphs (1, 2 & 3) of Paragraph (1) of this Article in order to compel the Government employees or any other real or legal person to carry out or avoid carrying out an action, with consideration of circumstances, he/she shall be sentenced to imprisonment of not less than three and more than seven years.

(3). If as a result of threat mentioned in subparagraph (1) of Paragraph (1) of this Article the person is put under physical or psychological pressure, with consideration of circumstances, the perpetrator shall be sentenced to imprisonment of not less than ten and more than fifteen years.

Offence against Airports

Article 10:

(1). If a person commits any of the following acts and as result endangers the safety of the airport and international transport or causes a likely danger, he/she shall be punished as following:

1. If the person takes an severe action against a person working in the international civil airport and causes serious injury or death of the person or causes a likely serious injury or death, with consideration of circumstances, the perpetrator shall be sentenced to continuous imprisonment or execution.
2. If the person seriously damages or destroys the facilities of an international civil airport or disrupts their operation, he/she shall be sentenced to maximum punishment of long term imprisonment.
3. If the person threatens to commit the offences mentioned in subparagraph (1) of Paragraph (1) of this Article in order to compel the Government employees or another real or legal person to carry out or avoid carrying out an action, with consideration of circumstances, the perpetrator shall be sentenced to imprisonment of not less than three and more than seven years.

(2). If as a result of threat mentioned in subparagraph (1&2) of Paragraph (1) of this Article, the person is put under physical or psychological pressure, with consideration of circumstances, the perpetrator shall be sentenced to imprisonment of not less than five and more than ten years.

Offences against Person in Ship or in Fixed Platforms

Article 11:

(1). If a person commits any of the following acts, he/she shall be punished as following:

1. If the person takes an severe action against a person on board a ship or against fixed platforms, with consideration of circumstances, he/she shall be sentenced to long term imprisonment.

2. If the action causes serious damage or destruction to the ship or the consignment of the ship or to the fixed platforms, or likely endangers the safety of the ship or the fixed platform of the sea transportation, with consideration of circumstances, the perpetrator shall be sentenced to long term imprisonment.
3. If the person places or cause placing in the ship or fixed platforms devices or materials that can cause damage or destruction of the ship or fixed plat forms, with consideration of circumstances, he/she shall be sentenced to imprisonment of not less than six and more than ten years.
4. If the acts mentioned in subparagraphs (1&2) of this Paragraph endangers the safety of the ship or damages or destroys the facilities of sea transportation or disrupts their services, with consideration of circumstances, the perpetrator shall be sentenced to long term imprisonment in case of serious injury or execution in case of death.
5. If the person knowingly provides false information in away that endangers the safety of the ship or fixed platforms, with consideration of circumstances, the perpetrator shall be sentenced to medium term imprisonment.

(2). If the person threatens to commit the acts mentioned in subparagraphs (1, 2, 3 & 4) of Paragraph (1) of this Article in order to compel the Government employees or another real or legal person to carry out or avoid carrying out an action, with consideration of circumstances, the perpetrator shall be sentenced to imprisonment of not less than three and more than seven years.

(3). If as a result of the threat mentioned in Paragraph (2) of this Article the person is put under physical or psychological pressure, with consideration of circumstances, the perpetrator shall be sentenced to long term imprisonment of not less than six and more than ten years.

Offences Against Persons

Article 12:

(1). If a person for the purpose of compelling the Government of Afghanistan, a foreign government, an international organization or a non-government foreign organization arrests or detains another person to carry out or avoid carrying out an action or threatens the person to death or physical torture or keeps the person in captivity and makes his/her release explicitly or implicitly conditional to carrying out or avoid carrying out an action, with consideration of circumstances, he/she shall be sentenced to maximum punishment of long term imprisonment.

(2). If the detained person mentioned in Paragraph (1) of this Article is injured or disabled or killed, with consideration of circumstances, the perpetrator shall be sentenced to maximum punishment of continuous imprisonment or execution.

(3). If as a result of the act mentioned in Paragraph (1) of this Article, the person is put under physical or psychological pressure, with consideration of circumstances, the perpetrator shall be sentenced to long term imprisonment of not less than six and more than ten years.

Offences Against Internationally Protected Persons

Article 13:

(1). A person who commits one of the following acts against an internationally protected person shall be punished as following:

1. If the person with international protection has been physically or psychological attacked, kidnapped or killed with consideration of circumstances, the perpetrator shall be sentenced to long term imprisonment of less than ten years or continuous imprisonment or execution.
2. If the official residence place, personal residence or the vehicle of the person with international protection has been attacked or a danger threatens the safety or freedom of the internationally protected person, with consideration of circumstances, the perpetrator shall be sentenced to long term imprisonment of not less than six and more than ten years.
3. If the person threatens to commit the acts mentioned in Paragraph (1 & 2) of this Article in order to compel the person with international protection to carry out or avoid carrying out an action, with consideration of circumstances, the perpetrator shall be sentenced to medium term imprisonment of not less than three years.

(2). If as a result of the threat mentioned in subparagraph (3) of Paragraph (1) of this Article, the person with international protection is put under physical or psychological pressure, with consideration of circumstances, the perpetrator shall be sentenced to medium term imprisonment of not more than ten years.

Offences related to the Use of Explosive and Other Lethal Devices

Article 14:

(1). If the person transfers, positions, fires or detonates one of the devices mentioned below in a public place or a Government facility or in public transport or other infrastructure facilities or towards them, with consideration of circumstances, the perpetrator shall be sentenced to the maximum punishment of long term or continuous imprisonment or execution.

1. Explosive materials, incendiary or other devices with the capacity of killing or seriously injuring a person or inflicting enormous financial damage.
2. Weapons or devices which as a result of their poisonous chemical, biological or radioactive materials kill or seriously injure a person or inflict enormous financial damage.

(2). A person who instructs another person to commit one of the offences mentioned in Paragraph (1) of this Article or in any forms or ways participates in the commission of one of the offences through a group of persons who work for a common purpose, and if the participation is intentional and for the purpose of carrying out the general criminal activities or aim of the group or if the participation takes place with prior knowledge concerning the intention of the group for committing these offences, with consideration of circumstances the perpetrator shall be sentenced to the same punishment prescribed for the principal offence.

Offences involving Nuclear Materials

Article 15:

If a person commits one of the following acts, they shall be punished as following:

1. If a person obtains or provides for oneself, uses, transfers, exchanges, destroys or spreads nuclear materials which cause serious injury, death or damage to property or has the likely capability of causing serious injury, death or damage to property, with consideration of circumstances, he/she shall be sentenced to the maximum punishment of continuous imprisonment or execution.
2. If the nuclear material is obtained through stealing, robbery, embezzlement or other unlawful means, with consideration of circumstances the perpetrator shall be sentenced to the maximum punishment of long term or continuous imprisonment.
3. If the person demands the obtaining of nuclear material by use of threat or force (severity) or other intimidating means, with consideration of circumstances, he/she shall be sentenced to maximum punishment of long term imprisonment.
4. If the person threatens to use nuclear material to kill or seriously injure a person or inflict enormous financial damage, with consideration of circumstances, the perpetrator shall be sentenced to imprisonment of not less than six and more than ten years.
5. If the person threatens to commit one of the offences mentioned in subparagraph (2) of this Article for the purpose of compelling the Government of Afghanistan or another government, international organizations of intergovernmental, international non-government organizations or other real or legal persons to carry out or avoid carrying out an action, with consideration of circumstances, he/she shall be sentenced to long term imprisonment.

Destruction of Infrastructure Facility

Article 16:

(1). A person who causes the infliction of damage or destruction to infrastructure facility mentioned in Subparagraph (5) of Article (3) of this Law in the territory of Afghanistan or disrupts its activities for the purpose of carrying out a terrorist act, the perpetrator shall be sentenced to the maximum punishment of long term imprisonment.

(2). If the offence mentioned in Paragraph 1 of this Article causes death, the perpetrator shall be sentenced to execution.

Attempt to Commit the Offence or Participation

Article 17:

(1). A person who attempts to commit the offences mentioned in Articles (9 – 16) of this Law, or is an accomplice in committing these offences, with consideration of circumstances, he/she shall be sentenced to the same punishment prescribed for the perpetrator of the offence.

(2). The provisions of this Law are not applicable concerning the attempt to threaten the commission of any offences mentioned in Articles (9 – 16) of this Law.

Unity

Article 18:

A person who unites with another person in order to participate in the commission of offences mentioned in Articles (9 – 16) of this Law or incites or encourages others for the commission of these offences or plans, organizes for the commission of these offences, with consideration of circumstances, he/she shall be sentenced to long term imprisonment of not less than ten years or continuous imprisonment.

Supporting or Service to the Offence

Article 19:

(1). A person who obtains the membership of a terrorist organization, shall be sentenced to medium term imprisonment.

(2). A person who recruits another person in order to participate in or carry out the commission of offences mentioned in Articles (9 – 18) of this Law, the recruiter shall be sentenced to the punishment prescribed for the perpetrator of the offence.

(3). A person who helped in any forms or ways in order to complete the commission of offences mentioned in Paragraph (1) of this Article and with intention to support including the provision of service and weapon used in the commission of the mentioned offences, shall be sentenced to the same punishment prescribed for the perpetrator of the offence.

Creating Obstacle or Disruption

Article 20:

A person who creates obstacles or disrupts the process of discovery and investigation of terrorist offences or the trial of offenders, or destroys the incriminating evidence and grounded reasons through false testimony, bribing, intimidation, exertion of influence or any other forms or ways, he/she shall be sentenced to long term imprisonment.

Chapter Three

Miscellaneous Provisions

Observing Provisions of Criminal Procedure Code

Article 21:

The discovery, investigation and trial of suspects and accuseds of terrorist offences shall be carried out according to the provisions of the Criminal Procedure Code and this Law.

Interim Measures

Article 22:

(1). The Attorney General shall adopt interim measures based on incriminating evidence and grounded reasons collected by the intelligence office of the Da-Afghanistan Bank, the General Directorate of National Security and the police after consultation with the Council of National Security concerning the person or organization that financially supports terrorist acts or a person or organization identified by the United Nations standards as the financial supporter of terrorist acts.

(2). If sufficient evidence related to the terrorist case is collected, the Prosecution Office confidentially and in accordance with the provisions of the Law submits the evidence and documents to the competent court and requests the adoption of necessary measures.

Information related to Property

Article 23:

(1). The prosecutor can requests information about the property of the suspect of a terrorist offence from banks and other financial institutions, if he/she has obtained permission from a competent court prior to making the request.

(2). Banks and other financial institutions are obliged to provide the information referred to in Paragraph (1) of this Article in a documented and genuine manner without consideration of the obligation for preserving banking secrets or confidentiality entrusted upon them by laws or other forms and ways.

Inspection of Correspondence

Article 24:

The officials of the General Directorate of National Security, police and the prosecutor can inspect the correspondence, telephone conversation and other Subparagraphs sent through the post or other means to the suspect for the commission of terrorist act, with prior permission of the competent court. The circumstances related to a witnessed offence are exempted from this provision.

Chapter Four Final Provisions

International Cooperation

Article 25:

The competent authorities of Afghanistan can cooperate with other countries in the combat against terrorist offences in accordance with the provisions of the Law on Extradition of Suspects, Accuseds and Convicts.

Date of Enforcement

Article 26:

This Law shall come into force after date signed and shall be published in the Official Gazette. Upon the enforcement of this Law, all other contradictory provisions shall be invalid.