

The Counter Terrorism Law
(The Pyidaungsu Hluttaw Law No.23, 2014)
7th Waxing of Nayon, 1376 M.E.
(4 June, 2014)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title, Jurisdiction and Definition

1. This Law shall be called **the Counter Terrorism Law**.
2. This Law shall have jurisdiction upon the persons who commit, attempt to commit, abet or, instigate or participate as accomplices the following acts of terrorism:
 - (a) an act of terrorism committed by any person within the territory of the State;
 - (b) an act of terrorism committed beyond the limit of the country by a Myanmar citizen or a permanent resident foreigner in the State or against any of them;
 - (c) acts which cause damage and loss to the public security or life and property of the public or important infrastructure facilities for the public or private or the State-owned facilities ,conveyances, machineries and equipments;
 - (d) financing amounted to abetment of any terrorist or any terrorist group who commits or is likely to commit an act of terrorism;
 - (e) an act of terrorism committed against the State-owned facility, conveyances, machineries and equipments or diplomatic offices including embassy and consulate of the State existed abroad;

- (f) an act of terrorism committed on a vessel, an aircraft and any other vehicle which has been registered in the State under any existing law;
- (g) an act of terrorism committed on a vessel or an aircraft or any other vehicle which is operated or leased from domestic or abroad with or without crew by a Myanmar citizen or a permanent resident foreigner in the Union of Myanmar or any organization or association owned by them;
- (h) an act of terrorism committed by the alleged offender who is present in the territory of the State and when a request for extradition had not been granted to the respective foreign State;
- (i) acts of terrorism committed to the State or other countries based within the State;
- (j) acts of terrorism committed on land, sea, air space, territory and continental shelf of the State;
- (k) an act of terrorism committed by or against vessels navigating from any place of the State to any other place existed within the State through the outer territorial sea of the State or vessels navigating according to their schedule or vessels navigating beyond the territory of the State in the adjoining borderline of the neighbouring countries which are adjacent to the State.

3. The expressions contained in this Law shall have the meanings given hereunder:

- (a) **State** means the Republic of the Union of Myanmar.
- (b) **Act of terrorism** means an act or omission to act any of the following offences with the intent to commit an act of terrorism:
 - (i) an unlawful offence with the intent against civil aviation and airport provided in Chapter IV;

- (ii) an act against internationally protected persons including representatives provided in Chapter V;
- (iii) an act against the taking of hostages provided in Chapter VI;
- (iv) an offence against nuclear materials, radioactive materials and nuclear facilities provided in Chapter VII;
- (v) an unlawful offence with the intent against the safety of maritime navigation provided in Chapter VIII;
- (vi) an unlawful offence with the intent against the safety of fixed platforms in the continental shelf provided in Chapter IX;
- (vii) an offence against unmarked explosives provided in Chapter X;
- (viii) an offence against terrorist bombing provided in Chapter XI;
- (ix) an offence against financing and providing material of terrorism provided in Chapter XII;
- (x) acts which cause serious damage and loss to the public security or life and property of the public or the important infrastructure facilities for the public or individual or State-owned facilities, conveyances, machineries and equipments;
- (xi) act of terrorism committed against the State or government owned facilities, conveyances, machineries and equipments or diplomatic offices including embassy and consulate of the State existed abroad;
- (xii) acts to produce, transfer, maintain, provide or offer to support the weapon and ammunitions, biological, chemical and nuclear weapons or explosive weapons, nuclear material to the terrorist or the terrorist group;

- (xiii) acts which cause death or serious injury to a civilian or any other person not participating at hostilities in the situation of armed conflict with the intent to cause fear in the public, to force Government or any internal and international organization to do unlawful act or to refrain from doing lawful act, and other acts;
 - (xiv) acts of terrorism which cause serious damage to the health or safety of the public or the environment with the intent to terrorize;
 - (xv) acts of exhortation, persuasion, propaganda, recruitment of any person to participate in any terrorist group or activities of terrorism;
 - (xvi) acts to organize a terrorist group, to participate in any terrorist group knowingly and to operate by assigning;
 - (xvii) acts of concealing or harbouring knowingly or granting to hide or granting to stay temporarily or hiding not to be taken action or to be escaped the terrorist or member of any terrorist group;
 - (xviii) acts of giving permission to use, to assemble in, to hold meeting in any building and place, to train on an act of terrorism or to arrange transportation to a terrorist or member of any terrorist group;
- (c) **Fixed platform** means an artificial island installed and structured permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes in continental shelf of the State.
- (d) **Assets owned by a Terrorist Group** mean profits obtained from the commission of an act of terrorism, money and assets which are used or being used or presumed to be used in the commission of an act of

terrorism, money and assets which are used or being used or presumed to be used by a terrorist or a terrorist group, money and assets which are possessed or controlled by a terrorist or a terrorist group or any other person on behalf of such group, money and assets which are collected with the intent to provide a terrorist group or to provide fund to an act of terrorism and money and profits derived from such money and assets.

- (e) **Aircraft in service** means the period of service from the beginning of *the* preflight preparation by the crew until twenty four hours after landing. In this expression, the period of service being given throughout the flight is also included.
- (f) **Infrastructure facility** means facilities such as water, sewage, energy, fuel, road, railway, water way, bridge, airport or transportation and communication used or occupied or provided or distributed publicly or privately for the interest of the public.
- (g) **State -owned facilities** conveyances, **machineries** and **equipments** mean facilities resided temporarily or permanently or conveyances being used, **machineries** and **equipments** for representatives of the State, members of Government, members of the legislature or the judiciary, officials and staff of the State or official and staff of government organizations or intergovernmental organizations in connection with their official duties.
- (h) **Internationally Protected Person** means any of the following persons in the State from any foreign country arrived at any time:
 - (i) the Head of State under the Constitution of the respective State, member of the body performing the functions of a Head of State, the Head of Government or a Minister for Foreign Affairs and diplomats;

- (ii) family members accompanying the person contained in clause (i);
 - (iii) a representative or any official of a State or an official or other representative of any international organization of an intergovernmental character including diplomatic representatives who are entitled pursuant to international law to special protection.
- (i) **Biological, Chemical and Nuclear Weapon** means a biological weapon, chemical weapon and nuclear weapon;
- (j) **Biological Weapon** means any of the following equipments:
- (i) microbiological or other biological agents and toxins whatever their origin or types and in quantities of their method of production which have no justification for prophylactic, protective or other peaceful purposes; or
 - (ii) weapons, equipments or agents designed to use such microbiological or other biological agents or toxins for hostile purposes or armed conflict.
- (k) **Chemical Weapon** means the following toxic chemicals and munitions whether being together or separate, the said chemical weapons:
- (i) toxic chemicals which are not intended to use for industrial, agricultural, research, medical or other peaceful purposes or direct protection against toxic chemicals and chemical weapons or military-affairs in which toxic chemicals be used or suppression of internal riot;
 - (ii) munitions and devices specifically designed to cause death or harm by the toxic chemicals specified in clause (i);
 - (iii) other equipments specifically designed for a direct use of the munitions and devices specified in clause (ii).

- (l) Nuclear Weapon means a weapon containing nuclear materials defined in article 1 (a) and (b) of Chapter I of the convention on the Physical Protection of Nuclear Materials, 1980 compiled by the International Atomic Energy Agency.
- (m) Device means any nuclear explosive device or any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment.
- (n) Nuclear material means plutonium, except that with isotopic concentration exceeding 80 per cent in plutonium -238, uranium -233, uranium enriched in the isotope -235 or 233, uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue, any material containing one or more of the foregoing.
- (o) Radioactive material means nuclear material and radioactive substances which contain nuclei which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha, beta, neutron particles and gamma rays) and materials which may owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.
- (p) Nuclear Facility includes the followings:
- (i) nuclear reactors including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

- (ii) any plant, workshop, storehouse or machinery being used for the production, storage, processing or transport of radioactive material;
- (iii) buildings in which nuclear material is produced, processed, used, handled, stored or disposed or a building attached with machineries. A building which may emit significant amount of radiation or radioactive material if such building is destroyed or interfered.
- (q) **International Nuclear Transport** means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the departure from any facility of the shipper of that State and ending with the arrival at any facility of the receiver within the State of ultimate destination.
- (r) **Explosive device** means any of the following devices:
 - (i) an explosive or incendiary weapon or device that is designed or has the capability to cause death or serious injury to any person or substantial material damage;
 - (ii) a weapon or device that is designed or has the capability to cause death or serious injury to any person or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive materials;
- (s) **Plastic Explosive** means plastic substance in flexible or elastic sheet form. In this expression, any other substance specified by the rules issued under this law as plastic explosive in accord with the Convention on the Marking of Plastic Explosives for the Purpose of Detection is also included.

- (t) **Ship** means a vessel of any type whatsoever not permanently attached to the sea-bed including dynamically supported craft, submersibles or any other floating craft. In this expression mobile offshore drilling units and high-speed hovercraft are also included.
- (u) **Terrorist** means any person who commits or attempts to commit unlawfully any act of terrorism by any means directly or indirectly, or participates as an accomplice in an act of terrorism or directs or organizes others to commit an act of terrorism or intentionally contributes to commit an act of terrorism.
- (v) **Terrorist group** means a group of two or more persons formed taking a period of time to commit an act of terrorism. In this expression, a group of terrorist declared under the resolution of United Nations Security Council or by the Central Body with the approval of the Union Government is also included.
- (w) **Instigation** means an act of noticeable or unnoticeable, direct or indirect distribution, advocating or otherwise making a message or information with the intent to instigate the commission of any act of terrorism.
- (x) **Imprisonment for life** means imprisonment passed on a convicted person to serve in the prison till death.
- (y) **Place of public use** means any parts of a building, land, road, railway, waterway or other location that are accessible or open to the public whether periodically, or continuously, for commercial, business, educational, health, religion, cultural, governmental, entertainment and recreational affairs.

- (z) Fund includes the followings:
- (i) money and properties, assets of every kind and business resources obtained by any means whether tangible or intangible, movable or immovable;
 - (ii) legal documents or instruments that are the evidence for the money and title to property or profit gained by any electronic or digital means, including bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts and letter of credit
- (aa) Central Committee means the Central Committee for Counter Terrorism formed by the Union Government under this Law.
- (bb) Members of the force mean investigation bodies, prevention and suppression forces, financial intelligence unit force and members of special forces which are formed and specified the duties under this Law for investigation, seizure of exhibits, control and taking action upon acts of terrorism, offences of financing of terrorism, terrorist groups and terrorists.

Chapter II

Objective

4. The objectives of this Law are as follows:
- (a) to prevent an act of terrorism against the life, and property of human beings and infrastructure facilities and environment;
 - (b) to protect act of terrorism by using various means in executive, economic and social sectors of the State;
 - (c) to prevent and take action by revealing the terrorist groups, terrorists, their activities, instigation and causes of terrorism, and offences of financing of terrorism;

- (d) to enable to implement pursuant to the United Nations International Conventions, resolutions of the United Nations Security Council, ASEAN Conventions for counter terrorism in carrying out the prevention and suppression of terrorism;
- (e) to maintain world and local peace by cooperating with the State parties of the United Nations, international and regional organizations.

Chapter III

Formation of the Central Committee and Duties and Powers thereof

5. The Union Government:

- (a) shall form the Central Committee for Counter Terrorism consisting of the Union Minister for the Ministry of Home Affairs as Chairman, Ministers from the relevant Ministries, and the responsible persons from the Government departments and organizations as members;
- (b) may re-form the Central Committee as may be necessary.

6. The duties and powers of the Central Committee are as follows:

- (a) laying down policies, guidances and plans related to counter terrorism;
- (b) forming necessary working committees and bodies, and determining functions and duties, guiding and supervising;
- (c) negotiating, guiding and supervising the cooperation of working committees, bodies, the relevant Union Ministries, Government departments and organizations;
- (d) adopting necessary measures, for prevention, removal and destruction of weapons of mass destruction which include biological, chemical and nuclear weapons and radioactive materials which encroach international peace, security and stability;

- (e) declaring any organization, association or group as terrorist group and any person as terrorist, and revocation of such declaration with the approval of the Union Government or under the declaration of the United Nations Security Council;
- (f) adopting necessary measures for not enabling to land or take off the aircrafts owned or hired or controlled by a terrorist group or a terrorist within the territory of the State;
- (g) coordinating with international and local organizations and State parties of international convention for counter terrorism in accord with the provisions contained in chapter XV of this Law for the suppression and elimination of acts of terrorism;
- (h) issuing and refusing the authorization to extradite terrorists mutually with the State parties of international organization, member States of the regional organization in accord with the provisions contained in chapter XVI of this Law;
- (i) managing and spending the fund for suppression and elimination of act of terrorism established in accord with the provisions contained in chapter XVIII of this Law;
- (j) rewarding members of forces, officials, staff and members of the public who participate in the suppression of acts of terrorism and do so effectively;
- (k) adopting necessary measures for effective protection of the safety of informer who informs in advance the attempt of terrorist or terrorist group and the safety of informer and witness in taking action or in prosecution;

- (l) issuing the order to freeze the assets and funds owned by such terrorist or terrorist group when it is declared as a terrorist or a terrorist group under sub-section (e);
- (m) issuing the prohibition not to be carried out by anyone on financial service and transfer in respect of the assets and fund owned by the terrorist group contained in sub-section (l);
- (n) cancelling the order to freeze the assets and funds contained in sub-section (l) when it is revoked from being declared as terrorist or terrorist group by the United Nations Security Council and the Central Committee;
- (o) safeguarding not to affect the interest of person who carries out in good faith;
- (p) guiding and supervising the implementation of the department or force which lays down and implements the functional policy and procedures from sub-sections (l) to (o);
- (q) laying down necessary guidance and procedures for not enabling to make formation of taking appearance or use as the way of financing or changing the way or conceal the non-government organizations or organizations with the intent to commit terrorism or to finance terrorism;
- (r) guiding and supervising the awareness and capacity building of the relevant working committees, prevention and suppression organizations, government departments, organizations and the public for enabling to reveal and to take action against an act of terrorism;
- (s) reporting to the Union Government, from time to time, the performance of the Central Committee in respect of suppression and elimination of an act of terrorism, and performing other duties assigned by the Union Government.

Chapter IV

Suppression and Elimination of Unlawful Acts against the Safety of Civil

Aviation and Airport

7. Whoever commits **unlawfully** and intentionally any of the following acts on board an aircraft in service, amounts to an offence against the safety of Civil Aviation and Airport:

- (a) **the** commission of violation of any penal code by any person on board an aircraft;
- (b) an act of violence against a person on board an aircraft in service to endanger the aircraft;
- (c) an act of violence against the safety of the civil aviation;
- (d) endangering to the passengers, crew or property on board;
- (e) endangering to proper order and discipline on board;
- (f)** interference, seizure or **unlawful** control of flight of an aircraft in service by a person on board by forcing or threatening to endanger the aircraft commander;
- (g) attempt, abetment or instigation to commit any act or participation as an accomplice in such commission contained in sub-sections (a) to **(f)**.

8. Whoever acts **unlawfully** and intentionally any of the followings, amounts to an offence of **unlawful** seizures of an aircraft:

- (a) seizure of an aircraft or control the flight of an aircraft in service by force or threat or by coercion or by any other means of intimidation or by any other high technology;
- (b) using an aircraft in service to cause death or grievous hurt to any person or substantial damage to property or to the environment;

- (c) intimidation to commit any unlawful and intentional act against an airport serving civil aviation, or causing any person to accept such possible intimidation under circumstances;
- (d) causing death and serious injury to any person or destroying an aircraft by biological, chemical and nuclear weapon, explosives, radioactive or similar device or substance to cause or likely to cause serious damage to infrastructure facilities or State-owned facilities, conveyances, machineries and equipments, using those on that aircraft or dispose of or discard such device or substance from an aircraft in service;
- (e) transporting, causing to be transported or facilitating the transport of biological, chemical and nuclear weapon, explosives, radioactive materials contained in sub-section (d) and sources to produce them and softwares related to technology or similar devices or substance used in designing, producing or materials, biological, chemical and nuclear weapon by aircraft;
- (f) attempt, abetment, instigation to commit any act or participation as an accomplice in such act contained in sub-sections (a) to (e).

9. Whoever commits unlawfully and intentionally any of the following acts in aircraft in service, amounts to an offence against the safety of civil aviation:

- (a) an act of violence against any person on board an aircraft in service to endanger the safety of the aircraft;
- (b) destroying, jeopardizing an aircraft in service or placing or causing to place on an aircraft any device or substance which is likely to destroy the aircraft to damage or to be incapable of the flight the aircraft or to endanger the aircraft in service;

- (c) destroying or damaging air navigation facility systems and communication equipments or interfering its directing operation to endanger the safety of an aircraft in flight;
- (d) communicating knowingly false information to endanger the safety of flight;
- (e) attempt, abetment, instigation to commit any act or participation as an accomplice in such offence contained in sub-sections (a) to (d).

10. Whoever commits unlawfully and intentionally any of the following acts, amounts to an unlawful act of violence against airport serving civil aviation:

- (a) an act of violence which causes or is likely to cause serious injury or death to any person who is serving civil aviation;
- (b) destruction of air navigation facility system and communication equipments of an airport serving civil aviation or aircraft not in service located thereon, or disruption of the services of the airport to endanger or likely to endanger the safety of that airport;
- (c) threat or by force against any person who is providing service to do an unlawful act or to refrain from doing a lawful act in order to endanger an aircraft in flight or airport serving civil aviation;
- (d) attempt, abetment, instigation to commit any act or participation as an accomplice in such act contained in sub-sections (a) to (c).

11. A commander of an aircraft departed abroad from or landed to any airport of the State, when he has reasonable grounds to believe that a person has committed, or is about to commit an unlawful act on board, and it is necessary to take immediate action to protect the safety of the aircraft, or of persons and property therein or to maintain discipline on board:

- (a) may impose other appropriate measures including restraint on such person to deliver him to the authority of the Police Force or Immigration

Department or to disembark him from the aircraft and to require or authorize the assistance of crew members and passengers for such restraint;

- (b) shall notify situations on board, as soon as practicable, to the authority of civil aviation before landing the unlawful seizure of the aircraft to the airport in the territory of the State or another State.
12. (a) The authority of civil aviation of the State shall, when receiving the notice under sub-section (b) of section 11, allow the commander of aircraft registered in the State or another State to disembark such offender who commits an act unlawfully and intentionally.
- (b) The aircraft commander may, after landing the aircraft to an airport of the State or another State, deliver the offender who is believed to commit any offence intentionally and unlawfully contained in this chapter as soon as practicable, together with the evidence to the authority of the Police Force or Immigration Department.
 - (c) The authority of the Police Force or Immigration Department may, after receiving the offender who has committed an act unlawfully and intentionally delivered under sub-section (b), extradite to the respective State in accord with the provisions contained in chapter XVI of this Law.
 - (d) No suit or criminal proceeding shall lie against the persons in respect of under takings as may be necessary of the persons who undertake on duty an aircraft in service in accord with the provisions of sub-sections (a), (b) and (c).
13. When the notice which has reasonable grounds to believe that a person has committed, or is about to commit an offence on board an aircraft in service unlawfully and intentionally, the Central Committee or Working Committee and the

relevant Government Department or Organization delegated by the Central Committee shall arrange the following matters as may be necessary:

- (a) enabling to restore control and fly of the aircraft safely in accord with law by the commander.
- (b) accepting and allowing the request for landing on any airport of the State and the disembarkation and delivery of the offender who has committed an act unlawfully and intentionally by the aircraft commander;
- (c) assigning members of the suppression force for the seizure of the offender who unlawfully and intentionally occupied the aircraft;
- (d) enabling crews and passengers to continue their journey.

14. The provisions relating to aircraft contained in this chapter shall not apply to the aircraft used in the works of military, war affairs, customs and police force.

Chapter V

Prevention of Crimes against Internationally Protected Persons

15. Whoever commits with the intent of any of the following acts, amounts to an offence against internationally protected persons:

- (a) a murder, kidnapping or other commission upon the person or injuring liberty of an internationally protected person;
- (b) a severe attack upon the official premises, the private accommodation or transporting vehicle of internationally protected person aiming to endanger in person or liberty;
- (c) threat to commit any offence contained in sub sections (a) and (b) ;

- (d) attempt, abetment, instigation to commit any offence or participation as an accomplice in such offence contained in sub-sections (a) to (c).

16. The relevant Working Committee shall adopt measures for prevention, suppression and taking action of crimes against internationally protected persons, cause the members of force to perform and supervise.

Chapter VI

Prevention of the Taking of Hostages

17. Whoever:

- (a) seizes or detains any person, and requests any other person or State or international inter-governmental organization or association formed under law or any group of person to do unlawful act or refrain from doing lawful act and threatens with condition to kill, to injure or to continue to detain the hostage if the request is refused and to release the hostage if it is accepted, amounts to an offence of taking of hostage.
- (b) attempt, abetment, instigation to commit any offence or participation as an accomplice in such offence contained in sub-section (a), amounts to such offence.

18. The relevant Working Committee shall adopt measures for prevention, suppression and taking action of the taking of hostage, cause to perform and supervise the members of the force.

Chapter VII

**Prevention and Suppression of Offences relating to Nuclear Material,
Radioactive Material, Nuclear Facility and of Biological, Chemical and
Nuclear Weapons**

19. Whoever intentionally commits any of the following acts, amounts to an offence of nuclear material, radioactive material, biological, chemical and nuclear weapon:

- (a) receipt, possession, use, making, transfer, alteration, disposal, dispersal or spread of nuclear material, radioactive material, biological, chemical and nuclear weapons in any way to do an unlawful act or to refrain from doing a lawful act to any person, organization, international organization or the State or to cause or likely to cause death or serious injury to any person or substantial damage to property or environment;
- (b) a theft, robbery, misappropriation and forgery of nuclear material, radioactive material, biological, chemical and nuclear weapons;
- (c) transporting, sending, or moving of nuclear material, radioactive material, nuclear facility contained in clause (1) of sub-section (p) of section 3, biological, chemical and nuclear weapons into or out of the State without lawful authority;
- (d) a threat to commit any offence contained in sub-section (a) and (b) to any person, organization, international organization or the State in order to do an unlawful act or to refrain from doing a lawful act;

- (e) a demand for nuclear material, radioactive material, nuclear facility, biological, chemical and nuclear weapons by threat or use of force or by any other form of intimidation;
- (f) attempt, abetment, instigation to commit any offence or participation as an accomplice in committing such offence contained in sub-sections(a) to (e).

20. Whoever intentionally commits any act of the following acts, amounts to an offence of nuclear facility:

- (a) direction which causes damage to nuclear facilities or operation of such facilities in a manner which releases or risks the release of radioactive materials with the intent to cause or likely to cause death or serious injury to any person or substantial damage to the property or environment without undertaking nuclear facility in the territory of the State in accord with the existing law;
- (b) a threat to commit any of the offence contained in sub-section(a);
- (c) a demand for nuclear facilities by threat or use of force or by any other form of intimidation;
- (d) attempt, abetment or instigation to commit any offence or participation as an accomplice in committing such offence contained in sub-sections (a) to (c).

21. The relevant Working Committee shall specify the level of protection consistent with the international convention and adopt necessary measures and control in accord with such protection measures in importing, exporting, transporting, storing and producing nuclear materials and technology.

22. If the relevant Working Committee, during international nuclear transport, does not receive assurances to provide protection measures of type and level specified under section 21 from carrier or the person who takes responsible to carry nuclear materials, radioactive materials and nuclear facilities contained in clause (i) sub-section (p) of section 3 shall:

- (a) not be exported or authorized to export;
- (b) not be imported or authorized to import;
- (c) not be allowed the transport in the territory of the State by land, waterway or air or to transit through an airport and seaport of the State.

23. Whoever intentionally commits any act of the following acts, amounts to an offence of import, export, transport and transfer of nuclear material, radioactive material and nuclear facilities contained in clause (1), sub-section (p) of section 3:

- (a) import, export, transport by land or waterway or air and transport through or transit the State of nuclear material, radioactive material and nuclear facility contained in clause (1) sub-section (p) of section 3 inconsistent with protection measures specified under section 21;
- (b) transfer of nuclear material, radioactive material and nuclear facilities or nuclear technology not for the protection of radiation danger and peaceful purposes in accord with the international convention.

24. Whoever unlawfully and intentionally commits any of the following acts, amounts to an offence of nuclear terrorism:

- (a) with the intent to cause or likely to cause death or serious injury to any person or substantial damage to the property or environment:

- (1) a commission in any way by using the nuclear material, radioactive material or device, or the use, possession or making of any such material;
 - (2) emission of radioactive material or spread of radiation in any way by using or destroying the nuclear material, radioactive material or a device and nuclear facility.
- (b) use of nuclear material, radioactive material or device and nuclear facility by compelling any person or international organization or the State to do an unlawful act or to refrain from doing a lawful act;
 - (c) attempt, abetment, instigation to any offence or participation as an accomplice in committing such offence contained in sub-sections (a) and (b).
- 25 (a) The relevant Working Committee shall coordinate with foreign countries directly or through the International Atomic Energy Agency, as may be necessary, for the following matters in the course of international nuclear transport:
- (i) providing protection measures and systems to and protection of nuclear material, radioactive material and nuclear facilities;
 - (ii) providing protection measures not to cause the offence of nuclear material and to be free from destructions of nuclear facilities;
 - (iii) managing to mitigate radiation to the minimum feasible extent when the destruction of nuclear facilities occurs;

- (iv) recovery of any nuclear material when such material is lost or stolen.
- (b) The implementation of the provisions of this law or information received from communication with foreign countries, international organizations and regional organizations or activities of cooperation shall be confidential.

26. Provisions contained in this chapter shall:

- (a) apply to the international transport, domestic transport, storage and use of nuclear materials and nuclear facilities contained in clause (i) of, sub-section (p) of section 3 for peaceful purposes;
- (b) not be construed that use of force or threat to use nuclear material, radioactive material or nuclear facility for peaceful purposes is allowed in accord with law;
- (c) not affect the transfer of nuclear material, radioactive material, nuclear facility and nuclear technology in order to enhance the protection pursuant to the international convention for peaceful purposes;
- (d) apply to the transport of nuclear material, radioactive material and nuclear facilities contained in clause (i) of sub-section (p) of section 3 by land, by waterway or by air from any place to or through seaport, airport, border gate or any other place within the territory through international water or airspace;
- (e) not affect the rights and responsibilities of each State and individual contained in international law in particular the purposes and principles of the Charter of the United Nations and International Humanitarian Law.

- (f) not apply to the activities in armed forces in armed conflicts in accord with the International Humanitarian Law during an armed conflicts and the activities undertaken by military in accord with the rules of International Law.
- (g) not apply to the use, hold or maintenance of nuclear material or devices contained in nuclear facility for military purpose.

Chapter VIII

The Suppression of Unlawful Acts against the Safety of Maritime Navigation

27. Whoever unlawfully and intentionally commits any of the following acts or omissions, amounts to an offence against the safety of maritime navigation:

- (a) the seizure or control over a ship by force or threat or any other form of intimidation;
- (b) an act of violence against a person on board a ship by the act which is likely to endanger the safe navigation of that ship;
- (c) destroying a ship or destroying or causing damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;
- (d) placing or causing to be placed a device or substance which destroys or is likely to destroy on a ship to destroy the ship or likely to endanger the safe navigation of that ship or to cause damage to that ship or its cargo;
- (e) destroying or causing serious damage to maritime navigational facility system, communication apparatus and services or an act which is likely to endanger the safe navigation of a ship by the serious interference in such facility systems and services;

- (f) communication with false information knowingly to endanger the safe navigation of a ship;
- (g) using or disposing in any mean the ship or the explosive device, radioactive material, biological, chemical and nuclear weapon or oil, natural gas, other hazardous substance or noxious substance on a ship or from a ship in order to cause death or serious injury any person or to cause damage;
- (h) knowingly transport on board a ship of explosive device, radioactive material, biological, chemical and nuclear weapons contained in sub-section (g) and similar materials, other source material, special fissionable material or materials especially designed or prepared for the processing;
- (i) the use of a ship to cause death or serious injury to a person in any mean or to cause serious damage to infrastructure facilities;
- (j) transporting a terrorist on board a ship knowing that the person has committed any act of terrorism;
- (k) a threat in any mean to commit any offence contained in sub-sections (a) to (j);
- (l) causing death or injury to any person in committing or attempting to commit any offence contained in sub-sections (a) to (k);
- (m) attempt, abetment, instigation to commit any offence or participation as an accomplice in committing such offence contained in sub-sections (a) to (l).

28. (a) The relevant Working Committee shall direct the relevant ship owner, port authority and ship industries, masters of ships and port representatives to adopt necessary measures by specifying the level of protection to alert for protection, requesting assistance, suppression and elimination of threats and attack which is likely to endanger ships, ports and facilities provided to facilitate for docking and to exchange information.
- (b) Ship industries shall emphasize to comply with the relevant requirements contained in this chapter and the guidance contained in International Ship and Port Facility Security Code.
- (c) A master of a ship shall, before docking a port in the territory of the State or whilst in a port of any state party of the International Convention for the Safety of Life at Sea, 1974, comply with the requirements specified for the respective level of protection.
29. (a) The master of a ship may take necessary prevention and suppression to be free from threats and attack which endanger the ships.
- (b) The ship industry, charterer or any other person has no right to constrain the power to exercise any decision made by the master of ship with his experience and practical skill in terrorist navigation including refusal to load cargo, container or other closed cargo to transport if it is necessary to maintain the safety and security of the ship.
30. (a) The master of a ship may deliver to the authority of the Police Force or Immigration Department of the receiving State a person who he has reasonable grounds to believe has committed any act of terrorism contained in this chapter together with evidence after informing in

advance to and getting the approval from the navigation authority of its registered State or the receiving State, may transfer that person to the responsible of the police or immigration of arrival State and together with the evidence to police or immigration of arrival State.

- (b) The authority of the Police Force or Immigration Department receiving the terrorist delivered under sub-section (a) may extradite such terrorist to the respective State in accord with the provisions contained in chapter XVI of this Law.

31. The provisions contained in this chapter relating to unlawful acts against the safety of maritime navigation shall:

- (a) be applied to the ships mentioned in sub section (k) of section 2;
- (b) be applied to the offender or the alleged offender contained in section 27 found in the territorial sea of the State.

32. The provisions contained in this chapter shall not be applied to the following ships:

- (a) a warship;
- (b) a ship owned or operated by a State when being used as a naval auxiliary or for customs or police force purposes;
- (c) a ship which has been withdrawn from navigation or laid up;
- (d) ships owned or operated by the Government and other government ships operated for non-commercial purposes.

Chapter IX

Suppression of Unlawful Acts against the Safety of Fixed Platforms

33. Whoever unlawfully and intentionally commits the following acts, amounts to an offence against the safety of fixed platforms:

- (a) seizure or control over a fixed platform by force or threat or any other form of intimidation;
- (b) act of violence against a person on board a fixed platform to endanger its safety;
- (c) destroying or causing damage to a fixed platform to endanger its safety;
- (d) placing or causing to be placed a destructive device or substance by any means on a fixed platform to destroy it or to endanger its safety;
- (e) using or disposing in any mean a fixed platform or explosive device, radioactive material, biological, chemical and nuclear weapon; or oil, natural gas, other hazardous device or substance, noxious device or substance on or from the fixed platform to cause 'death or serious injury to any person or to cause damage;
- (f) threatening to the public, causing injury or death to any person, with or without condition, to commit any offence contained in sub-sections (a) to (e);
- (g) attempt, abetment, instigation to commit any offence or participation as an accomplice in committing such offence contained in sub-sections (a) to (f).

34. The relevant Working Committee shall adopt measures for prevention, suppression and taking action of any offence contained in section 33 by any person against or from the fixed platform in the territorial sea of the State or in the

continental shelf of the State, cause to perform or supervise the members of the force.

Chapter X

Marking of Plastic Explosives for the Purpose of Detection and Suppression of the Offence against Unmarked Plastic Explosives

35. Whoever:

- (a) fails to comply with the convention on the Marking of Plastic Explosives for the Purpose of Detection, 1991 and produces, distributes, imports, exports or transports through or docks the unmarked explosives in or out of the territory of the State without permission of the authority, amounts to an offence against plastic explosives.
- (b) attempts, abets, instigates to commit any offence or participates as an accomplice in committing such offence contained in sub-section (a), amounts to a commission of such offence.

36. The provisions contained in section 35 shall not apply to the activities on unmarked explosives by the military or police force according to their duty under the supervision of respective administrator with the approval of responsible person authorized by the State.

37. The relevant Working Committee shall adopt necessary measures for prevention, suppression and taking action of offences against plastic explosives, cause the members of the force to perform and supervise.

38. The relevant Working Committee and authorities of defence service and responsible person of police force shall:

- (a) adopt necessary measures for the destruction of unmarked explosives which have been brought into or manufactured in the State or already

existed in arsenal of defence service or police force. Moreover, the possession and transportation of such unmarked explosives shall be restricted and controlled effectively;

- (b) as soon as possible, destroy the explosives which are inapplicable to the provisions contained in this Chapter.

Chapter XI

Suppression of Offences of Terrorist Bombing

39. Whoever unlawfully commits any of the following acts with the intent to cause death or serious injury, or to cause extensive destruction or to cause major economic loss, amounts to an offence of terrorist bombing:

- (a) delivery, placing, disposing or detonation of an explosive material in a place of public use, in any State-owned facility, conveyances, machineries and equipments, any public transport system or in any infrastructure facility or destruction thereof;
- (b) attempt, abetment, instigation to commit an offence or participation as an accomplice in such offence contained in sub-section (a).
- (c) production, distribution, sale, ~~gift~~ or possession of explosive material, bomb or arm to commit terrorist bombing or to abet in the commission of terrorist bombing.

40. The relevant Working Committee shall adopt necessary measures for prevention, suppression and taking action of offences of terrorist bombing, cause to perform and supervise the members of the force.

Chapter XII

Suppression of Offences of Financing of Terrorism

41. Whoever, in committing or to commit an act of terrorism, acts any of the followings to support or to facilitate such offence, amounts to an offence of financing to terrorism;

- (a) collecting or receiving or supporting or sending or transferring unlawfully the funds by any means with the intention that they should be used or in the knowledge that they are to be used, in full or in part, directly or indirectly which is gained lawfully or unlawfully or both, by any terrorist or any terrorist group.
- (b) using or possessing unlawfully of money, assets or service by any means with the intention that they should be used or in the knowledge that they are to be used, in full or in part, directly or indirectly, by any terrorist or terrorist group.
- (c) concealing, moving abroad or transferring to other's name the asset knowingly or with reasons to know that it is stored or maintained or controlled by a terrorist group or a terrorist or any other person on behalf of them.
- (d) attempt, abetment, instigation, organizing, providing, directing others to commit any offence or participation as an accomplice in committing any such offence contained in sub-sections (a), (b) and (c).

42. Whoever acts, knowingly or with reasons to know, any of the followings, amounts to an offence of financing of terrorism:

- (a) transaction or transfer in any means, directly or indirectly, of an asset owned by any terrorist group or any terrorist;
- (b) involving in or facilitating, directly or indirectly, any transaction of an asset owned by a terrorist group or a terrorist;

- (c) providing financial service or other related services involving an asset of a terrorist group or a terrorist, for the benefit of or under the direction of a terrorist group;
 - (d) possessing or keeping knowingly an asset which is owned by a terrorist group or a terrorist under his control;
 - (e) failing to reveal the information without proper reasons to the Central Committee and relevant **working** committee, or any member of force in respect of transaction and transfer in any other mean of an asset owned by a terrorist group and a terrorist;
 - (f) failing to report the existence of a terrorist and, money and assets owned by a terrorist group, communication or it is believed to be communicated with them;
43. (a) Whoever transacts or transfers by any means or attempts to transfer an asset owned by a terrorist group or a terrorist or fails to reveal the information in respect of such act without proper reasons to the Central Committee and relevant **working** committee or any member of the force, amounts to an offence of financing of terrorism.
- (b) No suit or criminal proceeding shall lie against any person who reveals the information in good faith relating to an asset owned by a terrorist group or a terrorist under sub-section (a).
44. Notwithstanding any act of terrorism occurs or is attempted to commit or collected fund is actually used in committing an act of terrorism or collected or provided fund is connected with any act of terrorism in respect of any offence contained this chapter, it shall be deemed an offence is committed. In this sense, the intention to commit or the commission of an act of terrorism in any State or territory, or the existence of a terrorist group or a terrorist together with or separately from any offender who commits any offence contained in this chapter

within a State or a territory, or in different States or territories shall not be considered.

45. The relevant Working Committee shall adopt necessary measures for prevention, suppression and taking action of offences of financing of terrorism, cause to perform and supervise the members of the force.

Chapter XIII

Investigation and Taking Action

46. The Central Committee may issue any of the following orders, or delegate the power to issue any such order to the relevant Working Committee:

- (a) prohibition order and sealed order in order not to convert, transfer, obliterate and conceal assets seized as exhibit in respect of any offence of financing of terrorism and revocation thereof;
- (b) order issued to the responsible persons of the respective bank and financial institutions, if money, assets and benefits ordered to seize as exhibits are deposited at any bank and financial institutions, to allow searching those exhibits, inspecting and copying of the relevant records and, if necessary, allow to seize as exhibits.

47. The relevant Working Committee:

- (a) shall guide and supervise investigation bodies or prevention and suppression forces to take necessary investigation, inspection and measures not for reaching the funds and assets of non-government organizations or non profit organizations to terrorist groups and terrorists, not to be organized by terrorists and terrorist groups by taking appearance of as such organizations, not to be used as the channel of financing of terrorist and terrorist groups.

- (b) shall form the necessary inspection bodies and assign them or the members of prevention and suppression forces or of financial intelligent force for controlling money and assets of a terrorist, money, assets and funds of a terrorist group, investigating the offences of financing of terrorism and acts of terrorism, seizing and controlling the exhibits and litigating.
- (c) shall coordinate with relevant government departments and organizations for controlling not to organize and carry out bank and financial institutions and business organizations by using the organizations providing to commit an act of terrorism or money and assets obtained from the commission of any act of terrorism.
- (d) shall instruct, as may be necessary, the members of the force to prosecute the offenders of financing of terrorism or the exhibit money and assets to the relevant court for trial.
- (e) may issue order to cut, restrict, intercept the electronic communication of terrorists groups and terrorists with the approval of the Central Committee if it is necessary to prevent acts of terrorism which cause danger to the State and the public suddenly.

48. The members of the force assigned under this law, in performing their duties, may exercise the provisions contained in the Code of Criminal Procedures, if it is not contrary to the rules, procedures issued under this Law.

Chapter XIV

Offences and Penalties

49. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of 10 years to a maximum of imprisonment for life or death sentence:

- (a) acts contained in clauses (xi) and (xii) of sub-section (b) of section 3;
- (b) an offence committed on board **an** aircraft in service, contained in section 7;
- (c) **an** unlawful seizure of an aircraft contained in section 8;
- (d) an **unlawful** act with the intent against **the** safety of civil aviation contained in section 9;
- (e) an unlawful act of violence at an airport serving international civil aviation contained in section 10.

50. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of 10 years to a maximum of imprisonment for life and shall also be liable to fine:

- (a) acts contained in clauses (x), (xiii) and (xiv) of sub-section (b) of section 3;
- (b) taking of hostage contained in section 17;
- (c) an offence of nuclear material, other radioactive material, biological, chemical and nuclear weapon contained in section 19;
- (d) an offence of nuclear facility contained in section 20;
- (e) an offence of import, export, transport and transfer of nuclear material, radioactive material contained in section 23 and nuclear facilities contained in clause (i) of sub-section (p) of section 3;
- (f) an offence of nuclear terrorism;
- (g) an unlawful act with the intent against the safety of maritime navigation contained in section 27;
- (h) an unlawful act with the intent against the safety of fixed platform contained in section 33;

- (i) an offence of terrorist bombing contained in sub-sections (a) and (b) of section 39;
- (j) an offence of financing of terrorism contained in sections 41 and sub-section (a) to (d) of section 42.

51. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of 5 years to a maximum of 10 years and shall also be liable to a fine:

- (a) an offence against internationally protected persons contained in section 15;
- (b) an offence against plastic explosive contained in section 35.
- (c) production, **distribution,sale**, gift or possession of explosive material, bomb or arm to commit terrorist bombing or to abet in the commission of terrorist bombing contained in sub-section (c) of section 39.

52. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term from a minimum of 3 years to a maximum of 7 years and shall also be liable to fine:

- (a) ~~an~~ act contained in clauses (xvi) to (xviii) of sub-section (b) of section 3;
- (b) an offence of financing of terrorism contained in sub-sections (e) and (f) of section 42;
- (c) failure to reveal the information contained in sub-section (a) of section 43 without proper reasons.

53. Whoever violates any prohibition of rules issued under this law shall, on conviction, be punished with imprisonment for a term from a minimum of one year to a maximum of 3 years and shall also be liable to a fine:

54. Whoever, in committing any offence under sections 49, 50 and 51, causes death or serious injury to any person or persons shall be punished with

imprisonment for a term from a minimum of 10 years to a maximum of imprisonment for life or death sentence.

55. Whoever convicted any offence of terrorism shall, if he having been convicted of any offence of terrorism before, be punished with the maximum punishment provided for such subsequent offence.

56. The court shall pass an order of confiscation or disposal in accord with the stipulations on money and assets seized as exhibit, if it is punished with an offence of financing of terrorism.

Chapter XV

International Cooperation

57. The Central Committee and the relevant Working Committees shall coordinate with international organizations and regional organizations or State Parties of International Convention on Counter Terrorism for adopting appropriate measures including the following matters:

- (a) exchange of information on an act of terrorism;
- (b) prevention of terrorism upon other State and citizens by a terrorist by using his territory;
- (c) prevention of instructing, preparing, managing and financing relating to an act of terrorism;
- (d) enhancing the cooperation of the control of border area to prevent the transnational or transboundary movement of terrorists and terrorist groups;
- (e) training, technical cooperation and capacity building on the suppression of an act of terrorism;

- (f) carrying out activities of educating on counter terrorism;
- (g) cooperation to establish the central information department in the region;
- (h) cooperation for capacity building in the suppression of an act of terrorism in accord with the international standards;
- (j) cooperation in research and development activities on the suppression of acts of terrorism;

58. International mutual assistance may be carried out with the State Parties of International Convention and member States of regional organizations for suppression of acts of terrorism in accord with the existing Mutual Legal Assistance in Criminal Matters Law.

Chapter XVI

Extradition

59. In respect of the extradition of a terrorist:

- (a) any offence of an act of terrorism or financing of terrorism contained in this Law shall be deemed as an extraditable offence and extradite in accord with the existing law.
- (b) it shall be carried out with reference to other stipulations prescribed by the law of the requested State to extradite according to the provisions of extradition prescribed in the international conventions on counter terrorism.
- (c) the relevant working committees and government departments and organizations shall, under the guidance of the Central Committee, cause to carry out the extradition and accept extradition in accord with the stipulation as may be necessary.

60. In respect of the request from any State Party of International Convention on Counter Terrorism or any member state of regional organization for mutual assistance in criminal matters and extradition of an offender who committed any offence of terrorism contained in this Law in the territory of the State:

- (a) acts of terrorism covered under this law shall not be demanded as a political offence, an offence connected with it or an offence inspired by political motives;
- (b) such request shall not be refused on the sole ground that it concerns with a political offence or an offence connected with it or an offence inspired by political motives.

Chapter XVII

Fair Treatment in Taking Action

61. Any person shall, in performing the investigation and taking action for acts of terrorism under this law be guaranteed fair treatment and enjoyment of other entitled rights in accord with the stipulations in conformity with the International Human Rights Law.

62. Any person shall, if he has been alleged and taken into custody of an act of terrorism, have the right to inform without delay to the nearest appropriate embassy, consulate or representative of the State of which that person is a national for entitlement of his right.

Chapter XVIII

Fund for the Prevention and Suppression of an Act of Terrorism

63. The Central Committee shall establish the fund for the prevention and suppression of an act of terrorism with the following income and assets:

- (a) subsidy from the Union budget in accord with the existing law;

- (b) provided fund not less than 10 percent of the money paid by the relevant Region or State government to its budget under the serial number 9 of Schedule 5 of the Constitution in respect of the offences contained in this Law;
- (c) cash and kind donated by domestic and foreign well-wishers.

64. The Central Committee may allow to use and expend the fund for the prevention and suppression of an act of terrorism for the following purposes:

- (a) expenses required in performing functions and duties of the Central Committee and function and duties of the Working Committees;
- (b) matters of adopting necessary measures for prevention and suppression of and act of terrorism;
- (c) matters of investigation and taking action against acts of terrorism;
- (d) appropriate aids for victims of an act of terrorism;
- (e) matters on reforming conviction and rehabilitation of terrorists;
- (f) matters of cooperation with international organizations, regional organizations and foreign States in respect of acts of terrorism;
- (g) expenses in performing other necessary matters and other emergency duties specified by the Central Committee.

Chapter XIX

Miscellaneous

65. If any person who is not under investigation in respect of money and assets connected with an offence of an act of terrorism or financing of terrorism can prove that he has obtained such money and any asset by giving consideration in good faith and possessed it by any means of transfer, the right of such person shall not be affected.

66. The Central Committee shall, in respect of seeking asylum as refugee under human right if it is found that the asylum seeker has committed an act of or abetted, instigated or conspired to commit that act of terrorism after scrutinizing carefully whether he committed, take proper action upon him under this law.

67. If the exhibit relating to any act of terrorism prosecuted under this Law is not easily producible before the court, and a report or relevant documentary evidence of how such exhibit is kept in custody may be submitted and such exhibit needs not be produced before the court. Such submission shall be deemed as if it were a submission of the exhibit before the Court and the relevant Court shall pass an administrative order in accord with Law.

68. The Ministry of Home Affairs shall organize the necessary staff office and appoint the staff to enable to assist in performing the functions and duties of the Central Committee, Working Committees and bodies formed under this Law.

69. Notwithstanding anything contained in any existing law, acts of terrorism shall be taken action only under this Law.

70. In prosecuting against any act of terrorism, it shall obtain the prior sanction of the Central Committee or the Body delegated by the Central Committee.

71. No prosecution shall lie in any court against any person or any member of any organization assigned to perform any function and duty contained in this Law for the performance thereof in good faith.

72. In implementation of the provisions contained in this Law:

(a) the Ministry of Home affairs may, with the approval of Union Government, issue the necessary rules, regulations and bye-laws;

(b) the Central Committee and the relevant Union Ministries may issue the necessary notifications, orders, directives and procedures.

- (c) the Working Committee may, with the approval of Central Committee, issue the necessary orders and directives.

I hereby sign under the Constitution of the Republic of the Union.

Sd.

Thein Sein

President

The Republic of the Union of

Myanmar