

NORWAY

1) Penal Code Article 104a

" Any person who forms or takes part in a private organization of a military character or who supports any such organization shall be liable to imprisonment for a term not exceeding two years. If the organization or its members control supplies of arms or explosives or if there are other especially aggravating circumstances, the penalty shall be imprisonment for a term not exceeding six years.

The same penalty shall apply to any person who forms, takes part in or supports any association or organization whose aim is to disturb the social order or to obtain influence in public affairs by sabotage, the use of force or other illegal means, provided that the association or organization has taken steps to carry out the objective by illegal means."

2) Following the resolution no 1373 (2001) of the UN Security Council 28 September 2001, a provisional ordinance on terrorist financing was laid down by Royal Decree of 5 October 2001, pursuant to Article 17 of the Norwegian Constitution. The provisional ordinance is enclosed.

3) According to regulations 22 December 1999 on financial sanctions against the Taliban regime, the banks are obliged to freeze funds belonging to Taliban or Osama bin Laden or persons or organizations associated with him. It is prohibited for Norwegian physical or judicial persons or other persons who are one Norwegian territory to make funds or financial resources available, directly or indirectly, to Taliban or Osama bin Laden, or persons or organizations associated with him.

Attached to the regulations is a list of individuals and entities linked to the Al Quida network.

2) Provisional Ordinance prohibiting the financing of terrorism. etc.

Laid down by Royal Decree of 5 October 2001 pursuant to Article 17 of the Constitution. Put forward by the Ministry of Foreign Affairs.

§ 1. For the purposes of this ordinance, terrorist act means

- a) the unlawful use, or threat of the unlawful use, of force or violence against persons or property
- b) in an attempt to exert pressure on or coerce the authorities or people of the country or society in general in order to achieve political, religious or ideological aims, cf. section 3, subsection 5, of the Security Act, and
any acts such as those mentioned in Article 2, paragraph 1, subparagraphs a and b, of the International Convention for the Suppression of the Financing of Terrorism.

§ 2. Any person who wilfully makes available, collects or by other means obtains funds or other financial assets with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to prepare or carry out a terrorist act shall be liable to fines or imprisonment for a term not exceeding 15 years. Accomplices shall be liable to the same penalty.

Such an act is also a criminal offence in Norway when it has been committed abroad by a Norwegian national or a person who has his or her habitual residence in Norway, or when it has been committed abroad by a foreign national.

§ 3. Any person who wilfully makes funds, financial assets or services available to any of the following is liable to fines or imprisonment for a term not exceeding ten years:

- a) any person who may with just cause be suspected of preparing or perpetrating such offence as is mentioned in section 1 or section 2,
- b) any entity owned or controlled by the suspect, or
- c) any person or entity that acts on behalf of or at the direction of the suspect or such entity as is mentioned in subparagraph b.

An accomplice shall be liable to the same penalty. Section 2, second paragraph, shall apply correspondingly.

§ 4. When any person is suspected with just cause of preparing or carrying out such act as is mentioned in section 1 or section 2, the chief of police, the deputy chief of police, the chief of the Police Security Service or as from 1 January 2002 the chief of (Politiets sikkerhetstjeneste)* shall decide to freeze without delay any property belonging to

- a) the suspect,
- b) any entity owned or controlled by the suspect, or
- c) any person or entity that acts on behalf of or at the direction of the suspect or such entity as is mentioned in b.

If a financial institution suspects that a transaction has any connection with such act as is mentioned in section 1 or section 2, the financial institution shall of its own motion forward any information that may indicate such an offence to the

National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway, Økokrim. The financial institution is required, at the request of Økokrim, to provide all necessary information concerning the possible offence. A customer or third party shall not be informed that such information as is mentioned has been forwarded. The requirement set out in this paragraph also applies to the officials of the institution.

The decision to freeze property shall be in writing and shall identify the suspect and provide a brief account of the grounds for the decision.

For the purposes of this ordinance, property means funds and assets. Any funds derived or generated from property are also regarded as property.

For the purposes of this ordinance, freezing property means preventing anyone from controlling the property directly or indirectly. A decision may not be made to freeze property that is absolutely necessary for the maintenance of the person who is the subject of the decision or that of his household.

§ 5. The prosecuting authority shall as soon as possible, and no later than seven days after it has made a decision in accordance with section 4, bring the case before the court of summary jurisdiction, which shall decide whether the decision shall be ratified. If the time limit falls on a weekend, holiday or day which according to statute has the same status as a holiday, the time limit shall be extended to the next workday. The decision of the court shall be made by an order. Before the court makes a decision, the suspect and any others affected by the decision shall be notified and given an opportunity to express an opinion.

If it is absolutely necessary for the purpose of the investigation, the court's decision pursuant to the first paragraph may be taken without notifying the suspect or any others affected by the decision. The court shall at the same time fix a time limit by which the order shall be notified. The time limit shall not exceed four weeks, but it may be extended by order of the court by up to four weeks at a time. When the extended time limit has expired without being extended once more, the suspect and any others affected by the decision shall be notified of the order pursuant to the first paragraph and informed of their right to bring the question whether the decision shall be ratified before the court. The provisions of section 100a of the Criminal Procedure Act shall apply correspondingly to decisions taken pursuant to this paragraph.

The prosecuting authority shall as soon as possible after the court has made a decision to freeze property pursuant to this ordinance assess whether there are grounds for seizing or making a charge on the property, cf. Chapters 16 and 17 of the Criminal Procedure Act. An application for effecting a seizure or making a charge shall be submitted to the court within four weeks unless the court has fixed a longer time limit. Section 205, first paragraph, of the Criminal Procedure Act shall not apply. If the prosecuting authority is of the opinion that there are no grounds for effecting a seizure or making a charge, the decision to freeze the property shall be annulled without undue delay.

The prosecuting authority may require any person to render any assistance needed to freeze property. If it is necessary to apply for an extension of the notification period pursuant to the second paragraph, the prosecuting authority may also require any person to observe secrecy on the decision to freeze property until notification has been given. The prosecuting authority shall notify the person who has been requested to observe a duty of secrecy as soon as possible when the duty has ceased to apply.

§ 6. Any person who acts contrary to an order to render assistance or observe secrecy which is made in accordance with section 5 is liable to fines or a term of imprisonment not exceeding two years.

Any person who wilfully breaches the duty to give notification set forth in section 4, second paragraph, is liable to fines or a term of imprisonment not exceeding one year. Any person who fails to comply with requests from Økokrim to provide information pursuant to section 4, second paragraph, second sentence, is liable to the same penalty.

§ 7. The ordinance enters into force immediately.