

## **Counter-Terrorism Law**

(2014, Pyidaungsu Hluttaw Law No. 23)

7<sup>th</sup> Waxing of Nayone, 1376 ME

(4<sup>th</sup> June, 2014)

Pyidaungsu Hluttaw has enacted this law.

### **Chapter (1)**

#### **Term, Applicability and Definition**

1. This law shall be cited as “Counter-Terrorism Law”.
2. According to this law, those who commit, attempt to commit, stimulate or act as an accomplice regarding the following acts of terrorism shall be judged-
  - (a) Act of terrorism committed by anyone in the country,
  - (b) Act of terrorism committed abroad by or against a Myanmar citizen or a foreigner with the right to reside permanently in the country,
  - (c) Actions to damage the security or the life and property of the public, or infrastructure which is fundamental to the public or the private, or the state-owned buildings, vehicles, equipment and facilities,
  - (d) Financial support which tends to assist any terrorist or terrorist group that commits or intends to commit terrorism,
  - (e) Act of terrorism committed against state-owned buildings, vehicles, equipment and facilities abroad, diplomatic offices including the country’s embassies and consulates,
  - (f) Act of terrorism committed on a watercraft, aircraft and any other motor vehicle which are registered in the country in accordance with an existing law,
  - (g) Terrorism committed on a watercraft or aircraft and any other motor vehicle which is run or rented by a local or foreign body, whether or not in the presence of crew, by a Myanmar citizen or a foreigner with the right to reside permanently in Myanmar or their organization or association,
  - (h) When the request for transfer of defendant who is accused of committing terrorism in the country to their corresponding foreign country is rejected, the act of terrorism committed by that person,
  - (i) Act of terrorism based in the country committed against the country or other countries.
  - (j) Acts of terrorism committed within the country’s land, water, air, territory and offshore shelf.
  - (k) Act of terrorism committed by or against the watercrafts which travel from a place in the country past beyond the territorial waters to another place in the country or which travel according to an itinerary, or the watercrafts which travel near the borderline of the contiguous neighboring countries beyond the country’s boundary.
3. The following terms described in this law shall mean as mentioned.
  - (a) **The country** means the Republic of the Union of Myanmar.
  - (b) **Act of terrorism** means committing or failures to commit an offence with the aim of committing terrorism as follows-

- (1) Intentional offence committed unlawfully against civil aviation and airport as prescribed in Chapter (4),
- (2) Action committed against internationally protected persons including representatives as prescribed in Chapter (5),
- (3) Action committed relating to taking hostage as prescribed in Chapter (6),
- (4) Offence concerning nuclear materials, radioactive materials and nuclear power stations as prescribed in Chapter (7),
- (5) Intentional offence committed unlawfully in order to harm maritime travel as prescribed in Chapter (8),
- (6) Intentional offence committed unlawfully in order to harm underwater resource exploration unit at offshore shelf as prescribed in Chapter (9),
- (7) Offence committed relating to unmarked explosives as prescribed in Chapter (10),
- (8) Offence committed relating to terrorist bombings as prescribed in Chapter (11),
- (9) Offence concerning support of money and things for terrorism as prescribed in Chapter (12),
- (10) Actions to severely damage the security or the life and property of the public or infrastructure which is fundamental to the public or an individual, or state-owned buildings, vehicles, equipment and facilities.
- (11) Act of terrorism committed against state-owned or government-owned buildings, vehicles, equipment and facilities abroad, diplomatic offices including the country's embassies and consulates.
- (12) Actions to produce, transfer, keep, supply or offer to supply arms and ammunition, biological, chemical and nuclear weapons, explosive weapons or nuclear materials to a terrorist or a member of a terrorist group.
- (13) To cause fear among the public, to cause death of or severe pain to a civilian or any other person who is not involved in fighting the battle in the midst of armed conflict with the aim of forcing the government or a local or foreign organization to do an unlawful act or making them avoid acting lawfully, and other actions.
- (14) Acts of terrorism which severely damage the health and safety of the public, or the environment with the aim of terrorizing.
- (15) Actions to insist, persuade, propagate, and recruit a person to be involved in a terrorist group or in doing terrorist activities.
- (16) Actions to form a terrorist group, knowingly involve in a terrorist group, or to give responsibility to act.
- (17) Actions of concealing or knowingly allowing a terrorist or a member of a terrorist group to take refuge, hide, stay temporarily, or hiding them so that they would not be arrested and taken action or so that they could escape.
- (18) Actions to allow a terrorist or a member of a terrorist group to use, gather, hold meeting in a building or at a place, to give terrorist training or to arrange transportation.

- (c) **Underwater resource exploration unit** means an island or place, building which is firmly constructed and created on the seabed at the offshore shelf for the purpose of underwater resource exploration or extraction, or other business.
- (d) **Assets of terrorist groups** means the profits gained from committing terrorism, money and things which were used or are being used or are assumed to be used for committing an act of terrorism, money and things which were used or are being used or are assumed to be used by a terrorist or a terrorist group, money and things owned or controlled by a terrorist or a terrorist group or any other person on behalf of the group, money and things saved with the purpose of supporting a terrorist group or funding an act of terrorism, and the money and profits derived from such money and things.
- (e) **Flight duty period** means the period of service from the moment when the crew members start their preparations for the flight before the take-off until 24 hours after the landing. The term also covers the period during the flight time during which service is provided.
- (f) **Infrastructure** means water, sewage, energy, fuel, roads, railways, waterways, bridges, airports or facilities such as transportation and communication which are publicly or privately used, received, supplied or distributed for the welfare of the public.
- (g) **State-owned buildings, vehicles, equipment and facilities** means buildings where state delegation, cabinet members, members of legislature or the judicature, the country's government officials, government employees or government agencies or government officials and government employees from organizations formed among government departments reside temporarily or permanently or vehicles, equipment and facilities which they use relating to their official duties.
- (h) **Internationally protected person** means one of the following persons who has arrived in the country from a foreign country at any time-
- (1) The national leader, member of an organization which carry out duties like the national leader, government leader, minister for foreign affairs and diplomats according to the constitution of the corresponding country,
  - (2) Their family members accompanying the person described in clause (1),
  - (3) State delegation, officials including diplomatic agents who deserve special protection in accordance with the international law or the official of an international organization formed among governments or some other delegation.
- (i) **Biological, chemical and nuclear weapons** means biological weapons, chemical weapons and nuclear weapons.
- (j) **Biological weapons** means any of the following equipment-
- (1) Microbiological substances, other biological substances and poisonous substances of any shape or number due to the original state or production method without evidence for prevention of disease or prevention of danger or other peaceful purposes,

- (2) Weapons, equipment or carriers designed and made to use the aforementioned microbiological substances, other biological substances or poisonous substances for aggressive purposes or armed conflicts.
- (k) **Chemical weapon** means the following toxic chemicals and weapons whether they coexist or exist separately-
- (1) Toxic chemicals which are not intended to be used for industry, agriculture, research, pharmacy or other peaceful practice or direct prevention of toxic chemicals and chemical weapons or chemical warfare or suppression of local unrest,
  - (2) Weapons and equipment which are specially produced to cause death of or harm to a person using the toxic chemicals described in clause (1),
  - (3) Other equipment which is specially produced for direct use of weapons and equipment in clause (2).
- (l) **Nuclear weapon** means weapons made of nuclear materials defined in Chapter (1), Article 1(a) and (b) of Physical Protection of Nuclear Materials Agreement 1980 compiled by the International Nuclear Energy Agency.
- (m) **Equipment** means anything causing nuclear explosion or a thing causing death, serious physical injury or severe damage to things or surroundings because of its radiation properties which can cause radioactive materials to spread or radiate.
- (n) **Nuclear Material** means plutonium other than plutonium-238 (plutonium with more than 80% isotope concentration), uranium-233, enriched uranium isotope-233 or 235, isotope mixtures including naturally-occurring uranium other than ore or fossilized ore, any material consisting of one or more of the aforementioned materials.
- (o) **Radioactive material** means radioactive substances consisting of nuclear material and fissile nuclei (in which process one or more ionized radiation alpha, beta, neutrons and gamma rays are released) and things which can cause death, serious physical pain or severe damage to things surroundings due to their radioactive or fissile properties.
- (p) **Nuclear power stations** includes the following-
- (1) Nuclear reactors including the one which is installed on watercraft, motor vehicle, aircraft or spacecraft as main energy source for the movement of those vehicles or to be used for other purposes,
  - (2) Any plant, workshop, warehouse or vehicle and equipment used for the production, storage, step-by-step treatment or transportation of radioactive materials,
  - (3) It means a building comprised of buildings used for the production, step-by-step treatment, use, handling, storage or disposal of nuclear materials, and equipment. When destroyed or disturbed, radiation or radioactive materials of a substantial amount may be released.
- (q) **International nuclear material transportation** means to transport nuclear materials beyond the exporting country's boundary by any means beginning with the departure from a building of the exporter from that country and ending with the arrival at a building of the importer in the destination country.

- (r) **Explosive material** means any of the following equipment-
- (1) Explosive or inflammable weapon or equipment which is designed and produced or has capacity to cause death of or severe pain to a person or to severely damage things,
  - (2) Poisonous biological things, chemicals, toxins, similar things, weapon or equipment which is designed and produced or has capacity to cause death of or severe pain to a person or to severely damage things by releasing, distributing or damaging radiation or radioactive materials.
- (s) **Plastic explosives** means plastic materials made to explode which are in a soft or elastic form. This term includes any other material specified as plastic explosive according to the provisions stated by this law in accordance with the Convention on the Marking of Plastic Explosives for the Purpose of Detection.
- (t) **Ship** means any watercraft which is not permanently stuck to the seabed including powered watercraft, submarines or any other watercraft which can move on water. This term covers movable offshore resource extraction rigs and speedboats.
- (u) **Terrorist** means the person who unlawfully commits or attempts to commit an act of terrorism directly or indirectly, or who acts as an accomplice in the act of terrorism, or who directs or persuades others to commit an act of terrorism, or who supports with the aim of committing an act of terrorism.
- (v) **Terrorist group** means an association of two or more people formed over a period of time in order to commit an act of terrorism. This term covers the terrorist group declared according to the decision of the United Nations Security Council or by the Central Committee at the confirmation of the Union Government.
- (w) **Stimulation** means spreading, promoting news or information obviously or unobtrusively or directly or indirectly, or informing it in any other way with the aim of stimulating somebody to commit an act of terrorism.
- (x) **Life imprisonment** means the sentence the convict has to serve in prison until he or she dies.
- (y) **Public domain** means buildings, land, road, railway, waterway or any other similar part which the public may access or use for a term or momentarily or continuously for such matters as trade, business, education, health, religion, government matter, entertainment and relaxation.
- (z) **Fund** is a term which covers the following-
- (1) Money and things, financial asset and business resources earned in any way which may be tangible or intangible, liquid assets or fixed assets.
  - (2) Official papers or documents which are evidence for the money in any electronic or digital form including bank balance, travellers' cheques, bank cheques, money order, shares, securities, treasure bonds, bank drafts and bonds.
- (aa) **The Central Committee** means the Central Committee for Counter-terrorism established by the Union Government in accordance with this law.
- (bb) **Forces** means investigation forces, suppression forces, financial detection force and special forces formed and assigned under this law to investigate,

interrogate and uncover acts of terrorism, offences regarding financing terrorism, terrorist groups and terrorists, to seize and control evidence, and to take action.

## **Chapter (2)**

### **Purpose**

4. The purposes of this law are as follows-
  - (a) To prevent terrorism being committed against the lives and property of humans, infrastructure and the environment,
  - (b) To prevent terrorism being committed in various ways in the country's administrative, economic and social sectors,
  - (c) To uncover and then prevent, stop and take action against terrorist groups, terrorists, their activities, stimulations, causes of terrorism and offences concerning financial support for terrorism,
  - (d) In carrying out prevention and suppression of acts of terrorism, to be able to implement in accordance with the United Nations International Conventions on Counter-terrorism, decisions of the United Nations Security Council, and ASEAN Convention on Counter-terrorism,
  - (e) To cooperatively safeguard world peace and local peace by coordinating and cooperating with United Nations member countries, international organizations and regional organizations.

## **Chapter (3)**

### **Foundation of the Central Committee and Its Duties and Rights**

5. The Union Government-
  - (a) Shall establish the Central Committee for Counter-terrorism which is comprised of Union Minister for Home Affairs as chairman, and ministers from respective union ministries and officials from government department and government organizations as members.
  - (b) Can reform the Central Committee if necessary.
6. The duties and rights of the Central Committee are as follows-
  - (a) To set policies, instructions and projects concerning counter-terrorism,
  - (b) To form necessary Working Committees and organizations and allocate responsibilities, give instructions and supervise,
  - (c) To coordinate, instruct and supervise Working Committees, organizations, respective union ministries, government department and government organizations for cooperation,
  - (d) To implement necessary schemes for the prevention, elimination and destruction of biological, chemical and nuclear weapons, highly destructive weapons including radioactive materials which threatens international peace, security and stability,
  - (e) Declaration of an organization, association or group as a terrorist group, and a person as a terrorist, and retraction of the declaration at the confirmation of the

Union Government or according to the declaration of the United Nations Security Council,

- (f) To implement schemes so that aircrafts owned or hired or controlled and flown by a terrorist group or terrorist will not be able to land in the country's territory or take off from it,
- (g) To coordinate and cooperate with international organizations, regional organizations as well as member countries of the International Convention on Counter-terrorism in accordance with the enactments in Chapter (15) of this law for the suppression and elimination of terrorism,
- (h) To issue and reject permission for exchange of terrorists in accordance with member countries of international organizations, member countries of regional organizations and the enactments in Chapter (16) of this law,
- (i) To manage and spend the funds raised for the prevention and elimination of terrorism in accordance with the enactments in Chapter (18) of this law,
- (j) To honor soldiers, government officials, government employees and the public who are involved in suppression of terrorism and who suppress effectively,
- (k) To implement necessary plans to provide effective protection of the security of informer-in-advance of the terrorist or terrorist group's attempt, or the security of the informers and witnesses at trials,
- (l) To issue order to control the assets and funds owned by the terrorist or terrorist group when they are declared as a terrorist group according to subsection (e),
- (m) To issue prohibition of financial service and transfer of money by any person concerning the assets and funds owned by the terrorist group in subsection (l),
- (n) To repeal the order of control on the assets and funds in subsection (l) when the United Nations Security Council and the Central Committee retract the declaration of terrorist or terrorist group,
- (o) To provide protection so that the welfare of the person who acts in good faith will not be damaged,
- (p) To guide and supervise the implementation of department or force that hold responsibility by setting policies and procedures for the agendas in subsections (l) to (o),
- (q) To provide necessary guidance and set procedures so that non-government organizations or non-profit organizations will not be formed to conceal identity or used as a means of financial support, or diverted or covered with the aim of committing terrorism or financing terrorism,
- (r) To guide and supervise programs for educating and promoting respective Working Committees, suppression organizations, government department, government organizations and the public in order to uncover and take action against terrorism,
- (s) To occasionally report to the Union Government\_on the Central Committee's actions regarding suppression and elimination of terrorism and to carry out other duties entrusted by the Union Government.

**Chapter (4)****Suppression and Elimination of Lawless Actions which Harm Civil Aviation and Airports**

7. Whoever unlawfully and deliberately commits any of the following on-board during flight duty period shall be criminalized with the offence relating to harming civil aviation and airports-
  - (a) Violation of a criminal law by a person on-board,
  - (b) Use of violence against somebody on-board in order to harm the aircraft during flight duty period,
  - (c) Use of violence to harm civil aviation,
  - (d) Causing harm to the passengers, flight crew or things on-board,
  - (e) Causing harm to the orderliness and obedience on-board,
  - (f) Interference with flight, forced arrest or unlawful control of the flight during flight duty period by the person on-board either by forcing the pilot or making a threat to cause harm,
  - (g) Attempt, abetment, stimulation or involvement as an accomplice in committing any offence described in subsections (a) to (f).
8. Whoever unlawfully and deliberately does any of the following actions shall be criminalized with committing unlawful seizure of aircraft-
  - (a) Seizure of aircraft or control of the flight during the flight duty period by means of using violence, threatening, insisting by force, frightening to instill fear by some other means, or other modern technology,
  - (b) Use of aircraft in service in order to cause death of or severe pain to a person or to severely damage things or surroundings,
  - (c) Threat posed on the airport which provides service to civil aviation to commit a deliberate offence unlawfully, or making someone accept the convincing threat,
  - (d) Damaging the aircraft by means of biological, chemical and nuclear weapons, explosive materials, radioactive materials or similar equipment or thing which causes death of or severe pain to a person or severely damages infrastructure or government-owned buildings, vehicles, equipment and facilities or which may do so during the flight duty period, using them on-board or disposing or throwing such equipment or things from the aircraft,
  - (e) Transporting, having them transported or supplying and arranging for transportation of biological, chemical and nuclear weapons, explosive materials, radioactive materials described in subsection (d), resources to produce those things, technology and associated software used to design, produce or give biological, chemical and nuclear weapons or similar equipment or things on the aircraft,
  - (f) Attempt, abetment, stimulation or involvement as an accomplice in order to do any action described in subsections (a) to (e).
9. Whoever unlawfully and deliberately does any of the following actions during the flight duty period shall be criminalized with harming civil aviation-



- (a) Act of violence on aircraft against any person on-board in order to harm the security of the aircraft during the flight duty period,
  - (b) Destroying, damaging the aircraft in service in order to damage the aircraft or to prevent it from flying or to cause harm during the flight, or placing or having it placed equipment or anything on-board which can cause damage to the aircraft,
  - (c) Destroying, damaging air navigation infrastructure and communication facilities or interfering with air navigation services in order to cause harm during the flight,
  - (d) To knowingly contact and send false information in order to harm the flight,
  - (e) Attempt, abetment, stimulation or involvement as an accessory to commit any offence described in subsections (a) to (d).
10. Whoever unlawfully and purposefully does any of the following actions shall be criminalized with unlawfully doing violence to the airport which offers service to civil aviation-
- (a) Action to cause severe pain to or death of a person who offers service to civil aviation or a violent action which may lead to this case,
  - (b) Destruction of aviation infrastructure and communication facilities which provide service to civil aviation or the aircraft which is not offering service and parked at the airport or interference of airport services in order to cause harm to the airport or which may lead to this case,
  - (c) Threatening or forcing a person in service to do an unlawful act or not to do a lawful act in order to harm the flying aircraft or to harm the airport which offers service to civil aviation,
  - (d) Attempt, abetment, stimulation or involvement as an accomplice to commit any offence described in subsections (a) to (c).
11. If the pilot of the aircraft which takes off from any of the country's airports to a foreign country or which will land at any of the country's airports believes a person has unlawfully committed or will commit an intentional offence and it is necessary to respond to the emergency in order to protect the aircraft or the people and things on-board from harm as well as to keep disciplines on-board, the pilot-
- (a) Can arrest and detain the perpetrator to transfer them to the official from police force or immigration department or can make them leave the aircraft, get help from or give authority to the flight crew and passengers to arrest and detain them as well as take other suitable actions.
  - (b) Must report the situation on-board to the civil aviation official as soon as possible before landing the unlawfully-seized aircraft at the airport of the country or any other country.
12. (a) Upon receiving the report according to section (11), subsection (b), the country's civil aviation official must allow the pilot of the aircraft which is registered in the country or in any other country to make the unlawful, intentional perpetrator leave the aircraft.
- (b) After landing the aircraft at the country's airport or at the airport of any other country, the pilot can transfer the presumed perpetrator who unlawfully commits an offence described in this chapter to the official from police force or immigration department with evidence as urgently as possible.

- (c) After accepting the unlawful perpetrator received according to subsection (b), the official from police force or immigration department may transfer them to the corresponding country in accordance with the enactments in Chapter (16) of this law.
  - (d) The persons who carry out their duties in accordance with the enactments in subsection (a), subsection (b) and subsection (c) during the flight duty period cannot be taken action under criminal law or civil law regarding the necessary actions taken by those persons.
13. If the information about the unlawful and intentional offence on-board during the flight duty period which was or is going to be committed contains convincing evidence, the Central Committee or the Working Committee and corresponding government department or government organizations entrusted by the Central Committee may arrange the following matters as necessary-
- (a) For the pilot to be able to re-control and fly the aircraft safely and lawfully,
  - (b) To accept it when the pilot asks for permission to land at one of the airports of the country's when the unlawful perpetrator on-board is made to get out of the aircraft and is transferred,
  - (c) To assign suppression forces to arrest and detain the perpetrator who commits unlawful and intentional seizure of aircraft,
  - (d) For the flight crew and passengers to be able to continue their desired journey.
14. The enactments concerning aircraft in this chapter shall not apply to the aircrafts used for the tasks of the army, military affairs, the customs and the police force.

## **Chapter (5)**

### **Suppression of Offences against Internationally Protected Persons**

15. Whoever purposefully commits any of the following actions against an internationally protected person shall be criminalized with-
- (a) Murder of the internationally protected person, kidnapping or assault to their body in any other way or damaging freedom,
  - (b) Severe damage to the internationally protected person's official compound, residence or vehicle with the aim of harming their body or freedom,
  - (c) Threat to commit any of the offences in subsection (a) and subsection (b),
  - (d) Attempt, abetment, stimulation to commit any of the offences in subsections (a) to (c) or involvement as an accomplice in committing the offence.
16. The corresponding Working Committee must implement plans, assign forces and supervise them in order to prevent, suppress and take cognizance of violent actions against internationally protected persons.

**Chapter (6)**  
**Suppression of Hostage Taking Offences**

17. Whoever-
- (a) Arrests or detains someone and then demands that another person or the country or an international organization formed among governments or a legally-formed association or a group of people do an unlawful action or not do a lawful action threatens by laying down the condition that the hostage will be killed or seriously hurt or detained continuously if their demand is rejected, or that the hostage will be released if their demand is met shall be criminalized with hostage-taking offence.
  - (b) Attempts, assists, stimulates to commit any offence in subsection (a) or engages as an accomplice in committing the offence shall be criminalized with the aforesaid offence.
18. The corresponding Working Committee must implement plans, assign forces and supervise them in order to prevent, suppress and take cognizance of violent actions in which hostages are taken.

**Chapter 7**  
**Offences Regarding Nuclear Materials, Radioactive Materials, Nuclear Power Stations and Suppression of Biological, Chemical and Nuclear Weapons**

19. Whoever purposefully commits the following actions shall be criminalized with the offence concerning nuclear materials, radioactive materials, biological, chemical and nuclear weapons-
- (a) Acceptance, possession, use, production, transfer, change, disposal, drift or spread of nuclear materials, radioactive materials, biological, chemical and nuclear weapons by any means in order to make a person, an organization, an international organization or the country do an unlawful action or not do a lawful action, to cause death of or severe pain to a person, to severely damage things or the environment or to cause such a thing,
  - (b) Stealth, robbery, misappropriation and counterfeit of nuclear materials, radioactive materials, biological, chemical and nuclear weapons,
  - (c) Carrying, transmitting, or moving nuclear materials, radioactive materials as well as nuclear power station, biological, chemical and nuclear weapons described in section 3, subsection (p), clause (1) illegally into the country or to a foreign country,
  - (d) Threat to commit any offence in subsection (a) and subsection (b) in order to make a person, an organization, an international organization or the country do an unlawful action or not do a lawful action,

- (e) Demanding nuclear materials, radioactive materials, nuclear power station, biological, chemical and nuclear weapons by threatening, by using force, or by threatening to instill fear in some other way,
  - (f) Attempt, abetment, stimulation to commit any offence in subsections (a) to (e) or involvement as an accomplice in committing that offence.
20. Whoever purposefully commits any of the following actions shall be criminalized with the offence concerning nuclear power station-
- (a) Instruction which causes damage to nuclear power stations or their operations by releasing or making somebody release radioactive materials in order to cause death of or severe pain to a person, to severely damage things or the environment, to cause such a thing without taking responsibility for the nuclear power station within the country's boundary in accordance with the existing law,
  - (b) Threat to commit any of the offences described in subsection (a),
  - (c) Demand for the nuclear power station by threatening or using force or threatening to instill fear in some other way,
  - (d) Attempt, abetment, stimulation to commit any of the offences in subsections (a) to (c) or involvement as an accomplice in committing the offence.
21. In importing, exporting, transporting, storing and producing nuclear materials and technology, the corresponding Working Committee must set the security level in accordance with the International Convention, set necessary procedures and then supervise and control actions so that they adhere to those security procedures.
22. If the corresponding Working Committee do not receive any guarantees from the transporter or the in-charge transporter that safety measures will be taken according to the kinds and levels specified by section 21 during the international nuclear transportation period concerning nuclear materials, radioactive materials, and nuclear power stations in section 3, subsection (p), clause (1), the Committee-
- (a) Must not give permission or make somebody give permission for export to a foreign country,
  - (b) Must not give permission or make somebody give permission for import from abroad,
  - (c) Must not allow transportation by road, by water, or by air in the country's boundary or transportation through the country's airport or harbor.
23. Whoever purposefully commits any of the following actions deliberately shall be criminalized with the offence concerning import, export, transportation and transfer of nuclear materials, radioactive materials, and nuclear power stations in section 3, subsection (p), clause (1)-
- (a) Import, export, transportation by road, by water or by air, transportation through the country or via the country of nuclear materials, radioactive materials, and nuclear power station in section 3, subsection (p), clause (1) without adhering to the safety measures specified according to section 21,
  - (b) Transfer of nuclear materials, radioactive materials and nuclear power stations as well as nuclear technology not for increased protection of harmful radiation and peaceful purposes in accordance with the International Convention.

24. Whoever unlawfully and deliberately commits any of the following actions shall be criminalized with the offence regarding nuclear terrorism-
- (a) With the aim of causing death of or severe pain to a person, severely damaging things or the environment, causing such a thing-
    - (1) To commit using nuclear materials, radioactive materials or equipment in any way or to use, possess or produce such a thing,
    - (2) To release radioactive materials or to make radiations drift either by using or by destroying nuclear materials, radioactive materials or equipment, nuclear power station.
  - (b) To use nuclear materials, radioactive materials or equipment, nuclear power station by forcing a person or an international organization or the country to do an unlawful action or not to do a lawful action,
  - (c) Attempt, abetment, stimulation to commit any action in subsection (a) and subsection (b) or involvement as an accomplice in committing that offence.
25. (a) In conducting international nuclear transportation, the corresponding Working Committee must act by coordinating and cooperating as necessary with foreign countries directly or via the International Nuclear Energy Agency regarding the following matters-
- (1) To have safety measures and systems as well as protect nuclear materials, radioactive materials and nuclear power stations,
  - (2) To take preventive measures so that offences concerning nuclear materials will not occur and nuclear power stations will be kept safe from destruction,
  - (3) To take measures so that there will be minimum radioactivity in case of nuclear power station destruction,
  - (4) To retrieve any nuclear material when it is lost or stolen.
  - (c) Implementation of the enactments in this chapter, information obtained from communication with international organizations and regional organizations as well as cooperative activities must be carried out by setting a security standard and adhering to it.
26. The enactments in this chapter-
- (a) Shall apply to international transportation, domestic transportation, storage, use of nuclear materials as well as nuclear power stations described in section 3, subsection (p), clause (1) for peaceful purposes.
  - (b) Does not mean utilization of or threat to utilize nuclear materials, radioactive materials, or nuclear power stations used for peaceful purposes by using force is lawfully permitted.
  - (c) Shall not have effects on transfer of nuclear materials, radioactive materials, nuclear power stations and nuclear technology in accordance with the International Convention for the peaceful purpose of increased protection.
  - (d) Shall apply to transportation of nuclear materials, radioactive materials, and nuclear power stations described in section 3, subsection (p), clause (1) from a domestic place through the international waters or atmosphere to a domestic harbor, airport, border gate or any other place by road, water or air, or via the harbor, airport, border gate or any other place.

- (e) Shall not have effects on the rights and duties of the respective countries and individuals described in the International Law, especially the purposes and principles of the United Nations Treaty and International Humanitarian Law.
- (f) Shall not apply to the in-war armed fights in accordance with the International Humanitarian Law or the actions taken by Tatmadaw in accordance with International Provisions in times of armed conflicts.
- (g) Shall not apply to the using or holding or keeping of nuclear materials, equipment in nuclear power stations for warfare.

### **Chapter (8)**

#### **Suppression of Unlawful Acts which Harm Maritime Transportation**

27. Whoever unlawfully and deliberately commits any of the following actions or failures shall be criminalized with the offence of unlawfully causing harm to maritime transportation-
- (a) Seizure of the ship or control of the ship movement by using force or threatening or instilling fear in any other way,
  - (b) Using force against a person onboard by means of an action which may cause harm to maritime travel,
  - (c) Destruction of the ship, or destruction of or damage to the ship or the goods onboard in order to harm maritime travel,
  - (d) Placing or having it placed onboard a piece of equipment or a thing which can destroy or damage so that it may destroy the ship, or harm maritime transportation, or damage the ship or the goods onboard,
  - (e) Destruction of or severe damage to maritime navigation infrastructure, communication facilities and services, or action which may cause harm to the ship's maritime travel by severely interfering with such infrastructure and services,
  - (f) To contact and report false information in order to cause harm to the ship's maritime travel,
  - (g) Use or disposal, by any means, of explosive materials, radioactive materials, biological, chemical and nuclear weapons or petroleum, natural gas, other harmful things or toxic things to the ship or on that ship or from that ship in order to cause death of, severe pain or damage to a person,
  - (h) To knowingly transport by ship the equipment similar to the explosive materials, radioactive materials, biological, chemical and nuclear weapons described in subsection (g), other resources, special self-explosive materials, equipment specially designed and made or modified for the production process,
  - (i) Use of ship to cause death of, severe pain to a person or severe damage to infrastructural facilities,
  - (j) To knowingly transport by ship a terrorist who has committed an act of terrorism,
  - (k) Threat, by any means, to commit any of the offences described in subsections (a) to (j),
  - (l) To cause injury to or death of a person in committing or attempting to commit any of the offences described in subsections (a) to (k),

- (m) Attempt, abetment, stimulation to commit any of the offences described in subsections (a) to (l), or involvement as an accomplice in committing that offence.
28. (a) The corresponding Working Committee must set the security level to be alert about prevention, request for help, suppression and elimination of threats and attacks to harm the ships, harbors, and port reception facilities, must implement necessary plans, and instruct corresponding ship owner, port authority and shipping companies, captains and port agents to exchange information.
- (b) Shipping companies must respect and adhere to the respective requirements described in this chapter as well as the instructions described in the International Ship and Port Facility Security Code.
- (c) The Captain must adhere to the requirements according to the specified security level before stopping at a port of the country or while being at the port of a member country of the International Convention for the Safety of Life at Sea, 1974.
29. The Captain-
- (a) Can take preventive measures and make suppressions necessary for the ships to be safe from harmful threats and attacks.
- (b) The shipping company, the person who charters or other people cannot restrain the Captain from exercising the right to decide by applying his maritime experience and skills including refusal to load and unload goods, crates or other sealed goods in order to keep the ship safe and secure.
30. (a) The Captain can report in advance about the presumed perpetrator of any act of terrorism described in this chapter to the maritime official of the country where the ship is registered or to the maritime official of the country of arrival as soon as possible, receive confirmation and transfer him to the police force or immigration department official of the country of arrival along with evidential documents.
- (b) The official of police force or immigration department who receives the terrorist transferred under subsection (a) can transfer that terrorist to the corresponding country in accordance with the enactments described in Chapter (16) of this law.
31. The enactments in this chapter regarding unlawful and deliberate acts which cause harm to maritime transportation-
- (a) Shall apply to the ships described in section 2, subsection (k).
- (b) Shall apply to the perpetrator of section 27 or the person accused of that offence found in the country's territorial waters as well.
32. The enactments in this chapter shall not apply to the following ships-
- (a) Warship,
- (b) Auxiliary ship owned or managed by a country or ship used for the customs or the police,
- (c) Ship withdrawn from maritime travel or out-of-service ship
- (d) Ships owned or managed by the government which is not run for the purpose of business and trading, and other ships used for governmental matters.

### **Chapter (9)**

#### **Suppression of Unlawful Acts which Harm Underwater Resource Exploration Unit**

33. Whoever unlawfully and deliberately commits the following acts shall be criminalized with the offence concerning unlawful act which harm underwater resource exploration unit-
- (a) Seizure or controlled utilization of underwater resource exploration unit by using force or by threatening or by instilling fear in any other way,
  - (b) Act of violence against a person in the unit in order to harm underwater resource exploration unit,
  - (c) Destruction of or causing destruction to the underwater resource exploration unit in order to harm the building,
  - (d) Placing or having it placed, in any way, in the building destruction equipment or material in order to destroy or harm the underwater resource exploration unit,
  - (e) Use or disposal, in any way, of explosive materials, radioactive materials, biological, chemical and nuclear weapons or petroleum, natural gas, other harmful equipment or things, toxic equipment or things to the underwater resource exploration unit or in the building or from the building in order to cause death of, severe pain or damage to a person,
  - (f) Threat to the public to commit any offence described in subsections (a) to (e) with or without conditions, injury to or death of a person,
  - (g) Attempt, abetment, stimulation to commit any of the offences described in subsections (a) to (f) or involvement as an accomplice in committing that offence.
34. The corresponding Working Committee must make schemes for the prevention, suppression and taking action against offences in section 33 and implement them, make the forces implement them, and must supervise them so that no one commits any of the offences against or from the underwater resource exploration unit in the country's territorial waters or at the country's offshore shelf.

### **Chapter (10)**

#### **Marking for the Purpose of Detection and Suppression of Offences Regarding Unmarked Plastic Explosives**

35. Whoever-
- (a) Produces, distributes, imports, exports, transports through or stops by within the country's boundary or beyond the boundary any unmarked explosive without permission from the authority in addition to not adhering to the Convention on Marking Plastic Explosives for the Purpose of Detection, 1991, shall be criminalized with the offence regarding plastic explosives.
  - (b) Attempts, assists, stimulates to commit any offence described in subsection (a) or involves as an accomplice in committing that offence shall be regarded as committing the aforementioned offence.
36. The enactments in section 35 shall not apply to the official actions regarding unmarked explosives carried out by Tatmadaw or the police force under the supervision of the



corresponding administrator at the permission of the official authorized by the government.

37. The corresponding Working Committee must make schemes for the prevention, suppression and taking action against offences regarding plastic explosives and implement them, make the forces implement them, and supervise them.
38. The corresponding Working Committee and the authorities from Tatmadaw, officials from the police force-
  - (a) Must make necessary schemes and implement them for the destruction of unmarked explosives in the armory of Tatmadaw or the police force which are exported from abroad or produced in the country or which are already in the country. In addition, strict restriction on and supervision of possession and transportation of the aforementioned materials must be carried out.
  - (b) The explosives which are not covered by the enactments in this chapter must be destructed as urgently as possible.

### **Chapter (11)**

#### **Suppression of Offences Regarding Terrorist Bombings**

39. Whoever unlawfully and deliberately commits any of the following actions with the aim of causing death or severe pain or great economic loss or mass destruction shall be criminalized with the offence regarding terrorist bombings-
  - (a) To give, place, dispose or set off or destroy explosives in the public domain, state-owned buildings, vehicles, equipment and facilities, in public transportation or infrastructure,
  - (b) Attempt, abetment, stimulation to commit any offence described in subsection (a) or involvement as an accomplice in committing that offence,
  - (c) To produce, distribute, sell, give or possess explosives, bombs or weapons to commit terrorist bombings or to assist in committing terrorist bombings.
40. The corresponding Working Committee must make schemes for the prevention, suppression and taking action against offences regarding terrorist bombings and implement them, make the forces implement them, and supervise them.

### **Chapter (12)**

#### **Suppression of Offences Regarding Financing Terrorism**

41. Whoever does any of the following, in committing an act of terrorism or to commit it, in order to support the offence or to have it supported shall be regarded as committing the offence regarding financing terrorism-
  - (a) To unlawfully and deliberately collect or accept or support or send or transfer, either directly or indirectly, all or part of the fund, earned legally or illegally or in both ways, intended to be used by a terrorist or a terrorist group or despite knowing how it will be used,

- (b) Unlawful possession of money, things or service all or part of which is used or intended to be used, either directly or indirectly, by a terrorist or terrorist group, or despite having reasons to know how it will be used,
  - (c) Despite knowing or having reasons to know that a thing is stored, kept or controlled by a terrorist group or a terrorist or any person on behalf of them, to hide that thing, transmit it to a foreign country or transfer it to another person's name,
  - (d) To attempt, assist, stimulate, propagate, support, instruct other people to commit any offence in the above-mentioned subsection (a), subsection (b) and subsection (c) or to involve as an accomplice in committing that offence.
42. Whoever, despite knowing or having reasons to know it, does any of the following shall be regarded as committing the offence regarding financing terrorism-
- (a) To directly or indirectly trade or to transfer, in any way, anything owned by a terrorist group or a terrorist,
  - (b) To directly or indirectly involve in or support any trading business concerning an asset of a terrorist group or an asset of a terrorist,
  - (c) To provide financial service or other relevant services concerning an asset of a terrorist group or an asset of a terrorist so that a terrorist group may benefit or according to their instruction,
  - (d) To possess or keep it under one's control a thing known as an asset of a terrorist group or an asset of a terrorist,
  - (e) Failure to reveal, without any valid excuse, to the Central Committee and the corresponding Working Committee or a force member the information concerning the trading, transferring in any other way of an asset of a terrorist group or assets of a terrorist,
  - (f) Failure to report about there being a terrorist and there being money and things owned by a terrorist group, there being communications concerning those or believing that there will be a communication.
43. (a) Whoever trades, transfer in any way or attempts to transfer an asset of a terrorist group or an asset of a terrorist, or fails to reveal, without any valid excuse, to the Central Committee and the corresponding Working Committee the information concerning such actions shall be regarded as committing the offence regarding financing terrorism.
- (b) A person who, in good faith, reveals the information concerning an asset of a terrorist group or an asset of a terrorist according to subsection (a) must not be charged under civil law or criminal law.
44. In relation to any offence in this chapter, even though an act of terrorism does not occur or an attempt is not made to commit or the collected fund is not actually used in committing an act of terrorism or the collected or supported fund has no connection with an act of terrorism, a person may be regarded as committing the offence. In so doing, it will not be considered within which country or territory the act of violence is intended to be committed or is committed, whether the terrorist group or the terrorist coexist in the same country or territory or exist separately in different countries or territories with the perpetrator of any offence described in this chapter.

45. The corresponding Working Committee must make schemes for the prevention, suppression and taking action against offences regarding financing terrorism and implement them, make the forces implement them, and supervise them.

### **Chapter (13)**

#### **Investigation and Taking Action**

46. The Central Committee can issue one of the following orders or assign the corresponding Working Committee to issue such an order-
- (a) Injunction, sealing order and the order to retract such orders so that the things seized and kept as evidence in connection with an act of terrorism will not be changed, transferred, lost, or covered.
  - (b) The order issued to the officials of the corresponding bank and financial institution to permit search and seizure of the evidence if the money, things and profits which are ordered to be seized as evidence are kept at a bank or a financial institution, and to permit checking relevant records, photocopying them, and if necessary, seizing them as evidence.
47. The corresponding Working Committee-
- (a) Must instruct or supervise the investigation forces or suppression forces to be able to make schemes for necessary investigation, interrogation and action-taking so that the funds and assets of non-government organizations or non-profit organizations will not reach terrorist groups and terrorists, terrorists or terrorist groups will not conceal their identity in the form of such organizations, they will not be used as a means of financial support for terrorists and terrorist groups.
  - (b) Must form necessary investigation forces, or assign duties to the members of suppression force or financial investigation force to control the money and things owned by a terrorist and the money, things and funds owned by a terrorist group, to investigate and uncover the offences regarding financing terrorism as well as acts of terrorism, to seize, control evidence and to sue.
  - (c) Must coordinate with the corresponding government department and government organizations to control so that banks and financial institutions, business organizations will not be formed or run with the help of organizations supporting terrorism and the money and things gained from committing an act of terrorism.
  - (d) Must plan and instruct as necessary to the forces in order to sue and send perpetrators of offences regarding financing terrorism as well as the evidential money and things to the corresponding court for trial.
  - (e) Can issue orders to disconnect, restrict, and record electronic communications of terrorist groups and terrorists when it is necessary to prevent acts of terrorism which may pose sudden danger to the country and the public.
48. The assigned forces under this law may abide by the enactments described in the ruling regarding existing offences in carrying out the tasks entrusted by the Central Committee or the Working Committee in relation to terrorism as long as they obey the rules and procedures set according to this law.

**Chapter (14)**  
**Offences and Penalties**

49. Whoever is convicted of committing any of the following acts of terrorism shall be sentenced to a minimum of ten-year imprisonment to a maximum of life imprisonment or death penalty-
- (a) Actions described in section 3, subsection (b), clause (11) and clause (12),
  - (b) Offence committed on aircraft to cause harm during the flight duty period as described in section 7,
  - (c) Unlawful seizure of aircraft as described in section 8,
  - (d) Unlawful and deliberate action which harms civil aviation as described in section 9,
  - (e) Use of violence at the airport which provides service to civil aviation as described in section 10,
50. Whoever is convicted of committing any of the following actions shall be sentenced to a minimum of ten-year imprisonment to a maximum of life imprisonment. Additionally, that person may be sentenced to a fine-
- (a) Actions described in section 3, subsection (b), clause (10), clause (13) and clause (14),
  - (b) Taking hostages as described in section 17,
  - (c) Offence regarding nuclear materials, other radioactive materials, biological, chemical and nuclear weapons as described in section 19,
  - (d) Offence regarding nuclear power stations as described in section 20,
  - (e) Offence, as described in section 23, regarding import, export, transportation and transfer of nuclear materials, radioactive materials, and things concerning nuclear power stations in section 3, subsection (p), clause (1),
  - (f) Offence regarding nuclear terrorism as described in section 24,
  - (g) Unlawful and deliberate action to harm maritime transportation as described in section 27,
  - (h) Unlawful and deliberate action which harms underwater resource exploration unit as described in section 33,
  - (i) Offence regarding terrorist bombings as described in section 39, subsection (a) and subsection (b),
  - (j) Offence regarding financing terrorism as described in section 41 and section 42, subsection (a) to subsection (d).
51. Whoever is convicted of committing any of the following actions shall be sentenced to a minimum of five-year imprisonment to a maximum of ten-year imprisonment. Additionally, that person may be sentenced to a fine-
- (a) Offence committed against internationally protected persons as described in section 15,
  - (b) Offence regarding plastic explosives as described in section 35,
  - (c) To produce, distribute, sell, give or possess explosive materials, bombs or weapons in order to commit terrorist bombings or assist in committing terrorist bombings as described in section 39, subsection (c).

52. Whoever is convicted of committing any of the following actions shall be sentenced to a minimum of three-year imprisonment to a maximum of seven-year imprisonment. Additionally, that person may be sentenced to a fine-
- (a) Action described in section 3, subsection (b), clause (16) to clause (18),
  - (b) Offence regarding financing terrorism as described in section 42, subsection (e) and subsection (f),
  - (c) Failure to reveal, without valid excuse, the information as described in section 43, subsection (a).
53. Whoever is convicted of violating any of the prohibitions as described in the rules set according to this law shall be sentenced to a minimum of one-year imprisonment to a maximum of three-year imprisonment. Additionally, that person may be sentenced to a fine-
54. Whoever, in committing any offence described in section 49, section 50 and section 51, causes death of or severe pain to a person or people shall be sentenced to a minimum of ten-year imprisonment to a maximum of life imprisonment or death penalty.
55. If the person convicted of any act of terrorism was also convicted of an act of terrorism in the past, they shall be sentenced to the prescribed maximum penalty for the recommitted act of terrorism.
56. The court must issue an order to nationalize or manage according to conditions the money and things obtained as evidence when giving punishment for an act of terrorism or an offence regarding financing terrorism.

### **Chapter (15)**

#### **International Cooperation**

57. The Central Committee and the corresponding Working Committees must coordinate and cooperate with international organizations, regional organizations as well as member countries of the International Convention on Counter-terrorism in order to take suitable actions including the following matters-
- (a) Exchange of information on terrorism,
  - (b) To prevent the terrorist from committing acts of terrorism against other countries and nationalities using the country's territory,
  - (c) To prevent instruction, preparation, arrangement and financing regarding terrorism,
  - (d) To promote border-control cooperation in order to control and prevent terrorists and terrorist groups from travelling through the country or border,
  - (e) To conduct training, technological cooperation, capability promotion regarding suppression of terrorism,
  - (f) To conduct educative programs about counter-terrorism,
  - (g) Cooperation to establish Central Information Department in the region,
  - (h) Cooperation to promote capability in the prevention of terrorism in order to meet the international standards,
  - (i) Cooperation in counter-terrorism research and development programs.
58. To suppress acts of terrorism, lawful conduct can be carried out to provide help among countries regarding provision of help among the countries like the member countries of

the International Convention as well as regional member countries in matters of existing offence.

**Chapter (16)**  
**Transfer of Perpetrator**

59. Regarding transfer of terrorist perpetrator-
- (a) An act of terrorism or offence regarding financing terrorism described in this law shall be considered as an offence for which the perpetrator can be transferred and then the transfer of perpetrator must be carried out in accordance with the existing law.
  - (b) It must be carried out based on the other regulations enacted under the law of the country which is requested to transfer the perpetrator as in the enactment regarding transfer of perpetrator described in International Conventions on Counter-terrorism.
  - (c) On the Central Committee's instructions, the corresponding Working Committees and government department, government organizations shall conduct as necessary the transfer or acceptance of perpetrator in accordance with specifications.
60. In relation to appeals made by a member country of International Convention on Counter-terrorism or a member country of a regional organization to provide mutual help in the transfer of perpetrator of an act of terrorism described in this law committed in the country to a foreign country and in matters regarding offences-
- (a) The acts of terrorism encompassed under this law must not be regarded as a political offence, a politically-related offence or offence committed for political ends,
  - (b) Rejection cannot be made based on the sole excuse that the act of terrorism described in that appeal is a political offence, a politically-related offence or offence committed for political ends.

**Chapter (17)**  
**Justice in Taking Action**

61. Whoever is investigated and taken action against the acts of terrorism under this law shall receive guarantee for justice according to the enactments relevant to the International Human Rights Law and other rights to entitlement.
62. Whoever is accused of an act of terrorism and arrested shall, in order to enjoy their rights, have a chance to contact, without further ado, the closest and relevant embassy or consulate or representative in the country where that person is registered as a national.

**Chapter (18)**  
**Fund for the Prevention and Elimination of Terrorism**

63. The Central Committee may raise fund for the prevention and elimination of terrorism with the help of the following money and things-
- (a) Grant from the union budget in accordance with the existing law,
  - (b) Grant from the corresponding region or state government- no less than 10% of the money deposited to its budget regarding the offences in this law according to the constitution table (5), serial 9,
  - (c) Money and things donated by benefactors, domestic and abroad.

64. The Central Committee may give permission to use the fund for the prevention and elimination of terrorism and incur expenses for the following matters-
- (a) Expenses needed for carrying out the Central Committee's duties and the Working Committee's duties,
  - (b) Matters carried out by implementing schemes needed to prevent and stop acts of terrorism,
  - (c) Matters relating to investigating, interrogating and uncovering acts of terrorism and taking action against them,
  - (d) Matters relating to attitudinal reforms and rehabilitation of terrorists,
  - (e) Matters relating to cooperation with international organizations, regional organizations and foreign countries regarding acts of terrorism,
  - (f) Expenses of carrying out other necessary matters specified by the Central Committee and other emergency duties.

### **Chapter (19)**

#### **Miscellaneous**

65. If any other person who is not investigated concerning money and things in connection with an act of terrorism or an offence regarding financing terrorism can provide valid evidence that they have received, in any way, and possessed that money and thing after paying for the value, in good faith, that person's right will not be impinged on.
66. In relation to people seeking refuge as refugees according to human rights, the Central Committee must have it scrutinized whether the person seeking refuge committed an act of terrorism or not as well as whether they committed abetment, exhortation, conspiracy to commit that act of terrorism or not and then take appropriate action against that person under this law if it is found that they committed an act of terrorism or they committed abetment, exhortation or conspiracy to commit that act of terrorism.
67. The evidence relating to an act of terrorism sued under this law is hard to be taken to court, a report on the maintenance of evidence or relevant evidential documents can be submitted to court without the need to take that evidence to court. The corresponding court must issue an order to manage it lawfully by regarding such a submission as a submission of evidence to court.
68. The Ministry of Home Affairs must form an office team and then appoint office staff and assign tasks in order to assist the Central Committee and the Working Committees and teams formed under this law in carrying out their duties.
69. Regardless of what is described in an existing law, acts of terrorism must be taken action under this law.
70. Prior permission from the Central Committee or the committee assigned by the Central Committee must be obtained when charging someone with an act of terrorism.
71. There is no right to charge any person or a member of an organization who is assigned to carry out any task described in this law at any court in relation to their carrying out tasks in good faith.
72. In implementing the enactments in this law-
- (a) The Ministry of Home Affairs may set necessary rules, regulations and disciplines at the consent of the Union Government.

- (b) The Central Committee and corresponding Union Ministries may issue necessary notifications, orders, instructions and procedures.
- (c) The Working Committee may issue necessary orders and instructions at the consent of the Central Committee.

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I hereby sign according to the constitution of the Republic of the Union of Myanmar.

(signed by) Thein Sein  
President  
The Republic of the Union of Myanmar