
DECREE NO. 108

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR,

CONSIDERING:

- I. That El Salvador recognizes the human person as the origin and the end of the activity of the State and it is its obligation to ensure the inhabitants the enjoyment of freedom, legal security and the common good, in accordance with the Constitution;
- II. That El Salvador is a subscriber to the Charter of the United Nations, which contains fundamental principles for the States, such as maintaining peace and international security, its due compliance; as well as the resolutions issued by the United Nations Security Council, by which effective measures must be taken to prevent, combat and eradicate threats to peace, considering terrorism and all its manifestations, including its financing, among the most serious;
- III. That with a similar purpose and within the Organization of American States and the Regional Forums in which El Salvador participates, joint efforts have been made so that all States have an appropriate law that punishes crimes that are the product of terrorism and its manifestations, including its financing and related crimes;
- IV. That terrorism currently constitutes a serious threat to the security of the country, public peace and the harmony of States, directly and indirectly affecting its nationals in their physical and moral integrity, as well as in the ownership, possession and conservation of their rights, which makes it necessary to create a special law to prevent, investigate, punish and eradicate terrorist activities in response to the current and exceptional circumstances affecting the international community.

THEREFORE,

in use of its constitutional faculties and at the initiative of the President of the Republic, through the Minister of the Interior, and of the Deputies José Antonio Almendariz Rivas, Carmen Elena Calderón Sol de Escalón, and the Deputy of the 2003-2006 Legislature, Ciro Cruz Zepeda Peña and with the support of the Deputies: Rubén Orellana, José Rafael Machuca Zelaya, Rolando Alvarenga Argueta, Norman Noel Quijano, Enrique Valdés Soto, José Orlando Arévalo Pineda, María Julia Castillo, Juan Héctor Jubis Estrada, Alexander Melchor, Mario Antonio Ponce, Hipólito Baltazar Rodríguez, Roberto Carlos Silva, Douglas Alejandro Alas, Rubén Alvarez, Ernesto Angulo Milla, Guillermo Avila Quell, Fernando Avila Quetglas, Juan Miguel Bolaños, Ernesto Castellanos, Roberto José d'Abuison, María Patricia Vásquez de Amaya, Guillermo Antonio Gallegos, Julio Antonio Gamero, Jesús Grande, Manuel de Jesús Gutiérrez, Walter Guzmán Coto, Juan Carlos Hernández, Wilfredo Iraheta Sanabria, Mario Marroquín Mejía, Manuel Vicente Menjivar, Roberto de Jesús Menjivar, Jorge Ernesto Morán, Mariella Peña Pinto, Julio Cesar Portillo, Antonio Prudencio, José Mauricio Quinteros, Alberto Rivas Echeverría, Santos Rivas Rivas, Alberto Romero, Mario Alberto Tenorio, Donato Eugenio Vaquerano and Martín Francisco Zaldivar.

DECREES the following:

SPECIAL LAW AGAINST ACTS OF TERRORISM

CHAPTER ONE

LEGISLATIVE INDEX

GENERAL PROVISIONS**OBJECT OF THE
LAW**

Art. 1.- The purpose of this Law is to prevent, investigate, punish and eradicate the crimes described herein, as well as all its manifestations, including its financing and related activities, and which by the form of execution, means and methods employed, evidence the intention to provoke states of alarm, fear or terror in the population, by putting in imminent danger or affecting the life or physical or mental integrity of persons, material goods of significant consideration or importance, the democratic system or the security of the State or international peace; all of the above, with strict adherence to respect for Human Rights.

In no case shall the offenses covered by this Law be considered political or related to political or fiscal offenses.

SCOPE OF APPLICATION

Article 2 - This Law shall apply to punishable acts committed in whole or in part in the territory of the Republic or in places subject to its jurisdiction.

It shall also apply to any person, even in a place not subject to Salvadoran jurisdiction, for crimes that affect legal assets of the State or of the inhabitants of the Republic of El Salvador, or those legal assets protected internationally by specific covenants or norms of international law.

RESPECT FOR NATIONAL SOVEREIGNTY

This Law is governed by absolute respect for the principles of independence and non-intervention. The cooperation actions carried out shall be carried out within the framework of such respect. The aforementioned principles are not affected when police or any other type of activities are carried out, provided that they have been previously agreed upon by the corresponding competent authorities.

CHAPTER II**DEFINITIONS**

Article 4 - For the purposes of this Law, the following definitions shall apply:

- a) **Aircraft in flight:** An aircraft shall be considered to be in flight from the moment all external doors are closed after boarding until the moment any of said doors are opened for disembarkation; in the event of a forced landing, the flight shall be considered to continue until the competent authorities take over the aircraft and the persons and property on board.
- b) **Aircraft in service:** An aircraft shall be deemed to be in service from the time ground personnel or crew commence pre-flight operations for a particular flight until twenty-four hours after any landing; the period in service shall in any event extend for as long as the aircraft is in flight in accordance with Article 2(a) of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.
- c) **Chemical Weapons:** "Chemical Weapons" means, jointly or separately:
 - 1) Toxic chemicals or their precursors, except when intended for purposes not prohibited by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, provided that the types and quantities involved are compatible.

for these purposes.

- 2) Ammunition or devices expressly intended to cause death or injury by means of the toxic properties of the substances specified in item 1 of this paragraph, released by the use of such ammunition or devices.
 - 3) Any equipment expressly intended to be used directly in connection with the use of the munitions or devices specified in paragraph 2 of this item.
- d) **Explosive Ordnance:** Explosive ordnance or other lethal device means:
- 1) An explosive or incendiary weapon or device that is intended to cause or is likely to cause death, serious bodily injury or extensive property damage;
 - 2) A weapon or device that is intended to cause or is likely to cause death or serious bodily injury or extensive property damage by the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material.
- e) **Firearms:** Firearms are defined as firearms:
- 1) Any weapon consisting of at least one barrel through which a bullet or projectile can be discharged by the action of an explosive and which has been designed for that purpose or can be readily converted for that purpose, except antique weapons manufactured before the twentieth century or their replicas;
 - 2) Any other weapon or destructive device such as explosive, incendiary or gas bomb, grenade, rocket, rocket launcher, missile, missile system and mines.
- f) **Vessel:** Any vessel of any type not permanently attached to the seabed, including dynamically supported vehicles, submersibles or any other floating device.
- g) **Explosives:** Explosive products commonly known as plastic explosives, including explosives in the form of flexible or elastic sheeting, as described in Technical Annex I on the description of explosives and detection agents, of the Convention on the Marking of Plastic Explosives for the Purpose of Detection.
- h) **Military Forces:** Are the armed forces of a State that are organized, trained and equipped under national law primarily for the purpose of national defense and security and persons acting in support of those armed forces who are under their formal command, control and responsibility.
- i) **Funds:** Shall mean assets of any kind, tangible or intangible, movable or immovable, however obtained, and legal documents or instruments, in whatever form, including electronic or digital, evidencing title to or interest in such assets, including, but not limited to, bank credits, traveler's checks, bank checks, money orders, shares, securities, bonds, bills of exchange and letters of credit.
- j) **Public or governmental facility:** Any permanent or temporary facility or vehicle used or occupied by representatives of a State, members of a State, members of a government, or members of a public or **governmental** authority.

Government, the Legislature or the Judiciary, officers or employees of a state or administrative entity or officers or employees of an intergovernmental organization for the purpose of performing their official duties.

- k) **Infrastructure Facility:** Any publicly or privately owned facility used to provide or distribute services to the public, such as water, sewage, power, fuel or communications.
- l) **Place of public use:** Any building, land, public way, watercourse or other location that is accessible or open to the public on a permanent, periodic or occasional basis, and includes any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place that is accessible under such conditions or open to the public;
- m) **Terrorist organizations:** Are those groupings provided with a certain structure from which are born links to some extent stable or permanent, with hierarchy and discipline and with suitable means, intend to use violent or inhumane methods with the express purpose of instilling terror, insecurity or alarm among the population of one or more countries.

For the purposes of this Law, they shall be considered as such those framed in the lists of the United Nations, International Organizations of which El Salvador is part, as well as those established by Bilateral Agreements.

- n) **Internationally protected person:**
 - 1) A head of state, including each member of a collegiate body when, in accordance with the respective constitution, he/she performs the functions of a head of state, a head of government or a minister of foreign affairs, provided that such person is in a foreign state, as well as the members of his/her family accompanying him/her;
 - 2) Any representative or official of a State or any official or other person of a State or any other
 - *an agent of an intergovernmental organization** who, at the time and place where an offence is committed against him, his official premises, his private residence or his means of transport, is entitled under international law to special protection against any attack on his person, liberty or dignity, as well as the members of his family forming part of his household. ***DECLARED UNCONSTITUTIONAL**
- ñ) **Fixed Platform:** An artificial island, installation or structure permanently attached to the seabed for the purpose of exploration or exploitation of resources or other economic purposes.
- o) **Public transport network:** All facilities, vehicles and instruments of public or private property used in public services or for public services for the purpose of transporting people or goods.
- p) **Toxic chemical substance:** Any chemical substance that, by its chemical action on life processes, may cause death, temporary incapacity or permanent injury to humans or animals.

All such chemicals, regardless of their origin, are included.
or method of production, whether they are produced in facilities such as ammunition, ammunition, ammunition or otherwise.

CHAPTER III**OF ACTS OF TERRORISM****ACTS OF TERRORISM AGAINST THE LIFE, PERSONAL INTEGRITY OR LIBERTY OF INTERNATIONALLY PROTECTED PERSONS AND PUBLIC OFFICIALS**

Art. 5.- Anyone who commits an act against the life, personal integrity, freedom or security of an internationally protected person, of the Presidents of the three Organs of the State or those who act in their stead and of other public officials or public authorities; or against their relatives living in their homes, when such acts have been committed by reason of the functions of the position or activities that such persons exercise, shall be punished with imprisonment of forty to sixty years.

If the action is aimed at destroying or damaging the property of the persons referred to in the preceding paragraph, shall be punished with imprisonment of ten to fifteen years.

ARMED OCCUPATION OF CITIES, TOWNS AND BUILDINGS

Art. 6.- Whoever participates individually or collectively in seizures or occupations of cities, towns, private buildings or facilities, places of public use, diplomatic headquarters, or places destined to any religious worship, either totally or partially, using weapons, explosives or similar items, thus affecting the normal development of the functions or activities of the inhabitants, personnel or users, shall be punished with imprisonment of twenty-five to thirty years.

ADULTERATION OF SUBSTANCES

Art. 7.- Whoever adulterates medicines, food products or substances of any kind, intended for human consumption, with the purpose of causing death or damaging health, shall be punished with imprisonment from ten to fifteen years.

If as a consequence of the acts mentioned in the preceding paragraph, serious injuries or the death of any person are caused, the penalty shall be thirty to fifty years of imprisonment.

APOLOGY AND PUBLIC INCITEMENT OF TERRORIST ACTS (4)

Art. 8.- ANYONE WHO PUBLICLY APOLOGIZES FOR TERRORISM OR ENCOURAGES ANOTHER OR OTHERS TO COMMIT ANY OF THE OFFENSES PROVIDED FOR IN THIS LAW, SHALL BE PUNISHED WITH A PRISON OF FOUR TO EIGHT YEARS. (4)

SIMULATION OF CRIMES

Art. 9.- Whoever simulates the commission of any of the crimes contemplated in this Law or any type of evidence in support of such simulation, shall be punished with imprisonment of five to ten years.

SPECIAL CASE OF PROCEDURAL FRAUD

Art. 10.- Anyone who, in the course of a criminal proceeding or immediately before initiating an investigation of any unlawful action contemplated in this Law, artificially alters the state of the places or the position or condition of persons, things or corpses, or suppresses or alters in whole or in part what proves the reality or truth of what is intended to be known, investigated or proved, to induce error in a judicial, prosecutorial or police action or decision, shall be punished with ten to fifteen years of imprisonment.

ESPIONAGE IN ACTS OF TERRORISM

Art. 11.- Whoever, for the purpose of carrying out terrorist activities, places himself at the service of a national or foreign organization or faction or of another nation, or of its agents to supply them with information on political, diplomatic or military secrets of the State, and is a Salvadoran, or has been a Salvadoran and has lost such status, shall be punished with imprisonment of fifteen to twenty-five years. If the Salvadoran is a public employee or official, the sanction may be increased by up to one third of the maximum indicated.

In the case of a foreigner, the penalty shall be ten to fifteen years of imprisonment.

COMPUTER CRIME

Art. 12.- Whoever, in order to facilitate the commission of any of the crimes provided for in this Law, shall be punished with imprisonment of ten to fifteen years:

- a) Use equipment, means, programs, computer networks or any other computer application to intercept, interfere, divert, alter, damage, render useless or destroy data, information, electronic documents, computer supports, programs or information and communication or telematic systems, of public, social, administrative, national security emergency services, of national, international or foreign entities;
- b) Creates, distributes, trades or has in its possession programs capable of producing the effects referred to in paragraph a) of this article.

TERRORIST GROUPS

Art. 13.- Those who form part of terrorist organizations, with the purpose of committing any of the crimes contemplated in the present Law, shall be punished with imprisonment of eight to twelve years. The organizers, chiefs, leaders or ringleaders shall be punished with imprisonment from ten to fifteen years.

CRIMINAL ACTIVITIES RELATED TO ARMS, EXPLOSIVE DEVICES OR SUBSTANCES, CHEMICAL OR BIOLOGICAL AGENTS, WEAPONS OF MASS DESTRUCTION, OR SIMILAR ITEMS

Section 14.- Whoever without legal authorization and with the purpose of committing any of the crimes contemplated in this Law, manufactures, facilitates, sells, transports, exports, introduces into the country or has in his possession, in any form or place, weapons, ammunition or inflammable, asphyxiating, toxic materials, substances or instruments, or any other similar substance or artifact of any kind or nature, or chemical or biological agents, or any other element whose research, design or combination may result in products of the nature described, plastic explosives or of any other kind or nature or chemical or biological agents, or any other element from whose research, design or combination products of the described nature may be derived, or any other similar substance or explosive or lethal device, as well as devices to activate the above, whether visible or concealed, shall be punished with imprisonment of ten to fifteen years.

TERRORIST ACTS COMMITTED WITH WEAPONS, EXPLOSIVE DEVICES OR SUBSTANCES, CHEMICAL, BIOLOGICAL OR RADIOLOGICAL AGENTS, WEAPONS OF MASS DESTRUCTION, OR SIMILAR ITEMS

Art. 15.- WHOEVER USES, ACTIVATES OR DETONATES FIREARMS, INFLAMMABLE, ASPHYXIATING, TOXIC OR EXPLOSIVE ARTIFACTS OR SUBSTANCES, WEAPONS OF MASS DESTRUCTION, CHEMICAL, BIOLOGICAL OR RADIOLOGICAL AGENTS OR SIMILAR ITEMS, IN PUBLIC PLACES, PUBLIC PASSENGER TRANSPORTATION UNITS, PUBLIC TRANSPORTATION TERMINALS, IN PUBLIC, GOVERNMENTAL, MILITARY OR POLICE FACILITIES, CAUSING DEATH OR PHYSICAL OR PSYCHOLOGICAL INJURIES TO ONE OR MORE PERSONS, SHALL BE PUNISHED WITH IMPRISONMENT FROM FORTY TO SIXTY YEARS(2).

The same penalty shall be incurred by anyone who individually or collectively participates in

armed attacks on

garrisons or other military or police installations.

If, as a consequence of the conducts established in the preceding paragraphs, only material damages are caused, a prison sentence of ten to fifteen years shall be imposed.

HOSTAGE TAKING

Art. 16.- Whoever deprives another person of liberty, detains him and threatens to cause his death, injure him, keep him in detention or commit any other crime, with the purpose of forcing a State, international intergovernmental organization, natural or juridical person or a group of persons, to an action or omission as an explicit or implicit condition for the release of the hostage, within the scope of application of the present Law, shall be punished with imprisonment of thirty-five to forty-five years of imprisonment.

IF, AS A CONSEQUENCE OF THE ACTS DESCRIBED IN THE PRECEDING PARAGRAPH, THE DEATH OR SERIOUS INJURY OF ONE OR MORE PERSONS IS CAUSED OR THE CONDITION REQUIRED FOR THE RELEASE OF THE HOSTAGE IS ACHIEVED, SHALL BE PUNISHED WITH IMPRISONMENT OF FIFTY TO SIXTY YEARS. (4)

CRIMES AGAINST PORT, MARITIME, FLUVIAL AND LACUSTRINE SECURITY

Art. 17.- Whoever performs any of the following actions shall be punished with imprisonment of fifteen to twenty years:

- a) Destroys or damages maritime navigation facilities and services or seriously hinders their operation, if any such act endangers the safe navigation of a vessel.
- b) Total or partial damage to port facilities, whether public or private.
- c) Seizes or exercises control of the port by means of violence or any form of intimidation;
- d) Partially or totally destroy communications or electromagnetic detection installations, navigation aids and services.

SEIZURE, DIVERSION OR USE OF VESSEL

Art. 18.- Whoever performs any of the following actions shall be punished with imprisonment of fifteen to twenty years:

- a) Seizes or exercises control of a vessel by means of violence or any other form of intimidation;
- b) Commits any act of violence against a person on board a vessel, if such act is likely to endanger the safe navigation of that vessel;
- c) Who by means of violence diverts a vessel to a place different from the destination specified in its navigation plan;
- d) Seizes a vessel and uses it as a means of attack in a terrorist action.
- f) Destroy or cause damage to a vessel or its cargo.

IF, AS A CONSEQUENCE OF THE ACTS DESCRIBED IN THE PRECEDING PARAGRAPH, THE DEATH OR SERIOUS INJURY OF ONE OR MORE PERSONS IS CAUSED, THE PENALTY SHALL BE FIFTY TO FIFTY DOLLARS.

SIXTY YEARS IMPRISONMENT (4)

ACTS AGAINST THE SAFETY OF CIVIL AVIATION AND AIRPORT SECURITY

Art. 19.- Whoever endangers the safety of airports or aircrafts by means of any of the following actions shall be punished with imprisonment of fifteen to twenty years:

- a) Execute an act of violence or intimidation against a person.
- b) Destroys or causes substantial damage to the facilities of an airport or to an aircraft not in service and located at the airport, or disturbs in any way the services provided therein.
- c) Acts of violence or intimidation against a person on board an aircraft in flight.
- d) Destroy or damage air navigation facilities or services or disrupt their operation, if such acts, by their nature, constitute a danger to the safety of aircraft in flight.

IF, AS A CONSEQUENCE OF THE ACTS DESCRIBED IN THE PRECEDING PARAGRAPH, THE DEATH OR SERIOUS INJURY OF ONE OR MORE PERSONS IS CAUSED, THE PENALTY SHALL BE FIFTY TO SIXTY YEARS IMPRISONMENT. (4)

SEIZURE, DIVERSION OR USE OF AIRCRAFT

Art. 20.- Whoever performs any of the following actions shall be punished with imprisonment of fifteen to twenty years:

- a) Seizes or exercises control of an aircraft by means of violence or any other form of intimidation.
- b) Performs any act of violence against a person on board an aircraft, if such act may endanger the safe navigation of the aircraft.
- c) Whoever by means of violence diverts an aircraft to a place different from the destination specified in its flight plan.
- d) Seizes an aircraft and uses it as a means of attack in a terrorist action.

IF AS A CONSEQUENCE OF THE ACTS DESCRIBED IN THE PRECEDING PARAGRAPH, THE DEATH OR SERIOUS INJURY OF ONE OR MORE PERSONS IS CAUSED, THE PENALTY SHALL BE FIFTY TO SIXTY YEARS IMPRISONMENT. (4)

ATTACK ON OR DOWNING OF AIRCRAFT

Art. 21.- Whoever attempts or shoots down by any means a manned aircraft in flight, shall be punished with imprisonment from fifteen to twenty years.

IF AS A CONSEQUENCE OF THE ACTS DESCRIBED IN THE PRECEDING PARAGRAPH, THE DEATH OR SERIOUS INJURY OF ONE OR MORE PERSONS IS CAUSED, THE PENALTY SHALL BE FIFTY TO SIXTY YEARS OF IMPRISONMENT. (4)

INTERFERENCE TO AIR CREW MEMBERS

Art. 22.- Any person who on board an aircraft of any nationality or registration interferes with the work of any member of the crew or diminishes their ability to perform their duties, provided that such interference endangers the safety of the flight with the intention of committing or facilitating any of the crimes contemplated within the scope of application of this Law, shall be punished with imprisonment of fifteen to twenty years.

WEAPON, DEVICE OR EXPLOSIVE SUBSTANCE, OF MASS DESTRUCTION, OR OTHER SIMILAR DEADLY SUBSTANCE ON BOARD SHIP OR AIRCRAFT

Art. 23.- Whoever carries in a concealed manner on his person or in his personal effects any instrument that may be considered a weapon, explosive device, weapon of mass destruction, explosive substances or other similar lethal substances and whoever may have access to the use thereof while on board a vessel or aircraft, of any registration, with the purpose of threatening the safety of navigation or flight, or with the intent to commit or facilitate any of the crimes contemplated within the scope of application of this Law, shall be punished with imprisonment of twenty to thirty years.

OTHER ACTS AGAINST AVIATION AND MARITIME SECURITY

Art. 24.- Whoever engages in any of the following conducts shall be punished with imprisonment of fifteen to twenty years:

- a) Whoever uses a vessel or aircraft, whether armed or not, for the purpose of committing acts of violence or threat of violence or any other form of intimidation and hostility against another vessel or aircraft for the purpose of:
 - 1) Taking possession of the vessel or aircraft, or of the goods, or of what belongs to its equipment, cargo or baggage on board;
 - 2) Damaging or destroying a vessel or aircraft, diverting it from its route, or impeding its circulation or normal activities.
- b) Use a ship or aircraft to attack, in any form, land, air or sea targets.
- c) Places or causes to be placed on a vessel or aircraft, by any means, a device or substance capable of destroying the vessel or aircraft or of causing damage that renders it unusable or, by its nature, constitutes a danger to its safety.
- d) Carry arms, penetrate the maritime or air territory, in ships or unarmed aircraft, for the purpose of carrying out any of the acts described in this Article.

SPECIAL SANCTION FOR ACTS OF COLLABORATION

Art. 25.- Whoever voluntarily delivers or crews a vessel or aircraft with the purpose of being used for the commission of the crimes established in this Law, shall be punished with imprisonment of fifteen to twenty years.

COUNTER-SAFETY MEASURES FOR FIXED PLATFORMS LOCATED ON THE CONTINENTAL OR INSULAR SHELF

Art. 26.- Whoever performs any of the following actions shall be punished with imprisonment of fifteen to twenty years:

- a) Seizes or exercises control over a fixed platform by means of any form of intimidation or violence.

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- b) Exercises any form of intimidation or violence against one or more persons on board a fixed platform, if such act may endanger the safety of the platform;
 - c) Places or causes to be placed on a fixed platform, by any means, a device or substance that may destroy it or endanger its safety.

IF AS A CONSEQUENCE OF THE ACTS DESCRIBED ABOVE, SERIOUS INJURY OR DEATH OF ANY PERSON IS CAUSED, THE PENALTY SHALL BE FIFTY TO SIXTY YEARS OF IMPRISONMENT. (4)

SPECIAL CASE OF THREATS

Art. 27.- Whoever by any means makes threats to commit any of the crimes contemplated in this Law, shall be punished with imprisonment of ten to fifteen years.

The same sanction shall be incurred by anyone who threatens or in any way intimidates a person to prevent the reporting, declaration, investigation, promotion, or the exercise of criminal action or trial of the punishable acts described in this Law.

The sanction shall be aggravated by up to one third of the maximum indicated, if the victim of the conduct described in the preceding paragraph is a public official or employee, public authority or agent of authority.

ACTS OF CORRUPTION

Article 28 - Whoever, directly or through an intermediary, influences a public official or employee, public authority or agent of authority, to obtain licenses, permits or administrative procedures that facilitate the commission of the crimes referred to in this Law, shall be punished with imprisonment of ten to fifteen years.

If the acts described in the preceding paragraph were committed by an official, public employee, public authority or agent of authority, the sanction may be increased by up to one third of its maximum.

FINANCING OF TERRORIST ACTS

Art. 29.- Whoever by any means, directly or indirectly, provides, collects, transports, provides or has in his possession funds or tries to provide or collect them, dispenses or tries to dispense financial services or other services with the intention of being used, totally or partially, to commit any of the criminal conducts included in the present Law, shall be punished with imprisonment of twenty to thirty years, and a fine of one hundred thousand to five hundred thousand dollars.

The same penalty shall be incurred by anyone who, directly or indirectly, places funds, financial or material resources or financial or related services of any other nature, at the disposal of a person or entity for the commission of any of the offenses provided for in this Law.

COVERAGE

For the purposes of this Law, the crime of concealment is constituted by whoever commits any of the following conducts:

- a) Helps to evade investigation by the authorities or to evade their action.
- b) Procures or assists anyone in obtaining the disappearance, concealment or alteration of

the traces, evidence or instruments of the crime or securing the proceeds or benefit thereof; and

- c) Acquires, receives or conceals money, things or effects originating from the crime or intervenes in their acquisition, receipt or concealment.

In such cases, a prison sentence of fifteen to twenty years shall be imposed.

This provision shall apply to any person, regardless of his or her family or affective relationship with the person who is intended to cover up or benefit from the conduct described in this article.

PREPARATORY ACTS, PROPOSITION AND CONSPIRACY (4)

Art. 31.- PREPARATORY ACTS, PROPOSITION AND CONSPIRACY TO COMMIT ANY OF THE OFFENSES INCLUDED IN THIS LAW SHALL BE PUNISHED WITH A PRISON OF FIVE TO EIGHT YEARS (4).

ATTEMPTED CRIME

The penalty for the attempt of the crimes contemplated in this Law shall be set between three fourths of the minimum and three fourths of the maximum of the penalty established for the corresponding crime.

COMPLICITY TO COMMIT CRIMES

The penalty of the accomplice in the case of paragraph 1) of Article 36 of the Criminal Code shall be fixed between three quarters of the minimum and three quarters of the maximum; and in the case of paragraph 1) of Article 36 of the Criminal Code, it shall be fixed between three quarters of the minimum and three quarters of the maximum; and in the case of paragraph 1) of Article 36 of the Criminal Code, it shall be fixed between three quarters of the maximum. 2) of the same article, shall be fixed between the legal minimum corresponding to the crime and two thirds of the maximum of the same penalty.

SPECIAL AGGRAVATING CIRCUMSTANCES

The penalty for the crimes contemplated in this Law shall be increased by up to one third of the maximum indicated, when any of the following circumstances are present, provided that these conditions do not form part of the standard crimes:

- a) When performed by two or more persons.
- b) When the perpetrator, co-perpetrator or accomplice belongs to an international terrorist organization included in the lists of the United Nations, International Organizations of which El Salvador is part, as well as those established by bilateral agreements.
- c) When an attempt is made against property of public use.
- d) When weapons of mass destruction are used.
- e) When minors, persons with special limitations, pregnant women or senior citizens are involved in the commission of the crimes or among the victims.
- f) When their purpose is to influence governmental decisions.
- g) When they affect public services or the normal traffic of the main access roads throughout the national territory, or in government buildings.

- h) When physical, psychological or sexual violence is exercised on the victims.

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- i) When the conduct is carried out by a public official or employee, public authority or agent of authority in abuse of his or her powers or taking advantage of his or her condition.
 - j) When death or injury to persons is caused or their life or physical integrity is seriously endangered.

CHAPTER IV

PRECAUTIONARY MEASURES AND CONFISCATION

SEIZURE AND FORFEITURE

Article 35.- The competent court, by a well-founded resolution, shall order the confiscation of the funds and assets used or intended to be used to commit any of the offenses provided for in this Law; it shall also order the confiscation of the property that is the object of the offense or the proceeds or effects thereof. The resolution ordering the forfeiture shall designate the property in question, with all the necessary details, in order to be able to identify and locate it.

When it is not possible to identify or locate the goods to be seized, the seizure of their equivalent value may be ordered, after the corresponding appraisal.

When the goods, objects or vehicles used in the execution of the crimes established in this Law are not the property of those involved, they shall be returned to their legitimate owner, when he/she is not responsible. The confiscation may also be ordered by the Attorney General's Office of the Republic and ratified by the Court hearing the process within the following forty-eight hours.

The competent Court, in the final sentence, shall declare the forfeiture, as appropriate in favor of the State, and the proceeds of its liquidation shall be destined to the General Fund of the Nation.

In case of forfeiture of goods or securities that are subject to a lien lawfully constituted, such lien shall continue its effects for the benefit of bona fide third parties.

NULLITY OF INSTRUMENTS

Article 36 - Any instrument and its corresponding registration granted for free or onerous title, between living persons or by reason of death, whose purpose is to place property outside the scope of the forfeiture or confiscation measures provided for in this Law, without prejudice to respecting the rights of third parties in good faith, shall be null and void.

The competent court shall give due notice so that within 30 working days, those who may claim a legitimate interest in the goods, products or instruments may present themselves to assert their rights.

The competent Court shall order the return of the goods, products or instruments to the claimant when it has been proven and concluded that:

- a) The claimant has the legitimate right with respect to the goods, products or instruments; without being able to be imputed any type of participation, collusion or implication with respect to the crimes foreseen in this Law, object of the process; and
- b) The claimant did everything reasonable to prevent the illegal use of the goods, products or instruments.

In case of annulment of a contract for valuable consideration, the price shall only be returned to the buyer when it is established that the buyer has actually paid it; for such purposes, the competent judge may

infer from the objective circumstances of the case, that the buyer has not effectively paid the contract price, taking into consideration circumstances such as:

- a) Capacity or economic solvency of the buyer.
- b) Lack of financing, both local and international, for the acquisition of the asset.
- c) Lack of liquidity in the financial system; and
- d) Absence of business or employment that justifies the origin of the funds.

These circumstances are not exhaustive; the judge may take into account any other circumstance, applying the rules of sound criticism.

FREEZING OF FUNDS

Art. 37.- The competent judge or the Office of the Attorney General of the Republic, in cases of urgent necessity, may order the freezing of the bank accounts of the accused, as well as of the funds, rights and property under investigation, in the crimes referred to in this law; likewise, it may order the freezing of capital, funds, financial transactions and other assets of persons and organizations previously established by the Security Council of the United Nations, acting under the provisions of Chapter VII of the Charter of the United Nations Organization.

In those cases in which the Attorney General's Office orders such immobilization, the competent judge must be informed within fifteen working days, who in a reasoned resolution shall decide on whether or not such measure is appropriate within a term of ten working days. The responsible institution shall maintain the immobilization until the judge orders otherwise.

For the purposes of freezing assets, the financial institution shall promptly inform the Attorney General's Office of the Republic of the existence of goods or services linked to persons included in the lists of terrorist organizations, individuals or entities associated or belonging to them, prepared by the Security Council of the United Nations Organization, or by any other international organization of which the country is a member.

The Ministry of Foreign Affairs shall directly and without delay inform the Office of the Attorney General of the Republic of the resolutions issued by the Security Council of the United Nations Organization regarding the lists mentioned in the preceding paragraph, and the Office of the Attorney General of the Republic shall be the agency responsible for forwarding such lists to the agencies and subjects bound by this Law.

Financial institutions shall also inform of the existence of goods or services linked to a person who has been included in the list of individuals or entities associated or belonging to terrorist organizations, prepared by a national or foreign authority, or who has been prosecuted or convicted for committing acts of terrorism. For such purposes, the Office of the Attorney General of the Republic shall previously inform about the designation or inclusion of such persons.

Financial institutions, upon detecting any of the circumstances mentioned in the preceding paragraph and after informing the Attorney General's Office, shall not carry out operations involving the goods and services until receiving instructions from said authority; such instructions may not exceed three working days.

Within the term mentioned in the preceding paragraph, the Office of the Attorney General of the Republic shall take the necessary measures to immediately block the goods or services of the persons mentioned in the respective report and shall issue instructions to withhold or, as the case may be, allow the flow of the goods or services of such persons.

FINANCIAL INSTITUTIONS SHALL PAY SPECIAL AND PERMANENT ATTENTION TO THE DETECTION OF GOODS, MONEY, ASSETS, SERVICES AND TRANSACTIONS THAT ARE SUSPECTED OR HAVE REASONABLE INDICATIONS THAT THEY HAVE AN ILLICIT PURPOSE AND THAT THE SAME ARE LINKED OR MAY BE USED FOR TERRORIST ACTS, FINANCING TERRORIST ACTS, TERRORIST ORGANIZATIONS, ORGANIZED CRIME, DRUG TRAFFICKING AND ANY OF ITS VARIANTS, BEFORE WHICH THEY SHALL REPORT IN WRITING TO THE ATTORNEY GENERAL'S OFFICE, THROUGH THE FINANCIAL INVESTIGATION UNIT OF THE ATTORNEY GENERAL'S OFFICE, WITHIN A PERIOD NOT EXCEEDING THREE DAYS. FINANCIAL INSTITUTIONS WILL ALSO BE OBLIGED TO REPORT THE ATTEMPT OF THESE OPERATIONS OR ACTIVITIES. (1)(3)

THE FOREGOING WITHOUT PREJUDICE TO THE DUTY TO INFORM THE FINANCIAL INVESTIGATION UNIT OF THE ATTORNEY GENERAL'S OFFICE OF THE REPUBLIC, IN THE CASE OF THE PERSONS INCLUDED IN THE LISTS MENTIONED IN THE PRECEDING PARAGRAPHS. (1)

THE FINANCIAL INVESTIGATION UNIT WILL RECEIVE AND ANALYZE SUCH REPORTS, FOR WHICH IT WILL HAVE THE POWER TO REQUEST INFORMATION FROM THE REPORTING INSTITUTIONS, OR FROM ANY PUBLIC OR PRIVATE ENTITY OR PERSON; LIKEWISE, THE FINANCIAL INVESTIGATION UNIT MAY SHARE SUCH INFORMATION NATIONALLY AND INTERNATIONALLY UNDER THE PARAMETERS OF CONFIDENTIALITY AND LEGALITY, FOR THE DISCOVERY OF CRIMINAL ACTS(1).

The above measures shall be applied without prejudice to the right of the person included in the list to request his or her exclusion from the list, in accordance with the corresponding legal procedures.

Any person with a legitimate interest in property detained or immobilized pursuant to the provisions of this article may request the competent court to order the release of such property, if he proves that he has no relationship whatsoever with the person or persons referred to in this article.

SEIZURE OF GOODS, PROCEEDS OR INSTRUMENTALITIES FOR CRIMES COMMITTED ABROAD

The Office of the Attorney General of the Republic, in cases of urgent need, or the competent court may order the seizure or freezing of goods, products or instruments located in its territorial jurisdiction, which are related to any of the crimes provided for in this Law, even in cases of acts of terrorism committed abroad.

The competent judicial authority may declare the confiscation of goods, products or instruments found in the circumstances described in the previous paragraph. Likewise, at the request of the Office of the Attorney General of the Republic, it may require the competent authorities of other countries to adopt measures aimed at the identification, location and freezing or seizure of the proceeds of crime, goods, equipment or other instruments related to the criminal activities provided for in this Law, with a view to their eventual confiscation.

CHALLENGE OF ADMINISTRATIVE MEASURES FOR FREEZING OF FUNDS

Art. 39.- Any person or entity whose funds have been frozen in accordance with the provisions of this Law and who believes to have been included by mistake in the lists of terrorist organizations, individuals or entities associated with or belonging to the same, drawn up by the Security Council of the United Nations Organization, or by any other international organization of which the country is a member, may seek their exclusion by submitting a request to that effect to the competent judicial authority. It shall indicate in the same all the elements that may prove the error.

When appropriate, the lifting or termination of precautionary measures may be ordered, at the request of the Attorney General's Office or the owner.

CHAPTER V
SPECIAL CRIMINAL AND PROCEDURAL PROVISIONS

DISQUALIFICATION FROM HOLDING OFFICE

Art. 40.- In the cases of persons who have the responsibility to carry out any activity related to weapons, explosive devices, weapons of mass destruction, explosive substances, ammunition or similar, and any of the others mentioned in this Law, and who have been responsible for the crimes provided for in the same; in addition to the main penalty imposed, they shall be disqualified from the exercise of their functions in positions of similar responsibility for twice the duration of the sentence. ***DECLARED UNCONSTITUTIONAL**

REGIMEN FOR LEGAL ENTITIES

Art. 41.- When it is proven that individuals who are members of the administrative or management bodies of a legal person or private entity, allow, collaborate, support, or participate in the name or representation of the same, in the commission of any of the crimes provided for in this Law; the judge hearing the case shall order any of the following sanctions or measures against the legal person or private entity in question:

- a) The imposition of a fine of fifty thousand to five hundred thousand dollars.
- b) The dissolution of the respective legal person or private entity, issuing an official notice to the competent authority to proceed.

The resolution or final decision shall be published in any media.

TESTING REGIME

The following shall be considered as means of evidence, in addition to those contemplated in the Code of Criminal Procedure:

- a) The information contained in films, recordings, photocopies, videotapes, compact discs, digital and other storage devices, telefax, written, telegraphic and electronic communications, in the terms referred to in Art. 302, second paragraph of the Penal Code, when dealing with the crimes provided for by this Law;
- b) The acts of seizure, inspection and destruction or other similar procedures; and,
- c) Evidence from abroad. As to the formality of their reception, they shall be governed by the Law of the place where they are obtained; and as to their evaluation, they shall be governed according to the rules of the Code of Criminal Procedure, this Law and by the provisions of international treaties, conventions or international agreements ratified by El Salvador.

POWER TO RETAIN GOODS

Art. 43.- In the case of detecting the entry into the country of weapons mentioned in the present law, without legal authorization and with the purpose of committing any of the crimes contemplated in the same, the competent authority shall retain the same and inform the Attorney General's Office of the Republic within a period not exceeding eight hours, by any reliable means of communication.

OBLIGATION TO INFORM

Art. 44.- Any natural or juridical person is obliged to inform the Attorney General's Office of the Republic or the National Civil Police about the introduction into the national territory or the existence of arms.

of those mentioned in this Law, which may pose a serious threat to the health and safety of the country.

The customs authorities shall immediately inform the Permanent Secretariat of the National Security Council of the goods that, due to their characteristics and quantities, are likely to be used for the commission of terrorist acts or cause possible risks to persons or their property.

STATEMENT OF UNDERCOVER AGENT, VICTIM OR WITNESS

Art. 45.- The statement of the undercover agent, victim or witness made through electronic means that allow the interrogation in real time and with voice and image distortion shall be admissible as evidence when, for justified reasons, they are not available to make it in person before the competent authority.

This measure shall be ordered by the judge, at the request of either party.

POWER TO INTERCEPT MEANS OF TRANSPORT

Art. 46.- The National Civil Police and the Armed Forces shall have the power to intercept any type of air, naval or land means of transportation, when there is suspicion that such means have been or will be used for the commission of the crimes referred to in this Law. This power, without prejudice to any other contained in international treaties and other laws of the Republic.

EXTRADITION, ENFORCEMENT OF F O R E I G N JUDGMENTS, JUDICIAL OR POLICE ASSISTANCE, ETC.

Art. 47.- With respect to extradition proceedings, enforcement of sentences abroad, judicial or police assistance, the provisions of international treaties, multilateral, regional, subregional and bilateral conventions and agreements to which the Republic of El Salvador is a State Party, the principles of international law, as well as the domestic legislation regulating the matter, shall be applied.

CHAPTER VI PREVENTION OF ACTS OF TERRORISM

PREVENTIVE MEASURES AGAINST ACTS OF TERRORISM

Art. 48.- All State secretariats and public institutions shall be obliged to design and execute, within their competence, the operational plans and programs necessary to prevent acts of terrorism in all its manifestations, including its financing and related activities.

EXCHANGE OF INFORMATION

Art. 49.- In compliance with the Framework Treaty for Democratic Security in Central America, or any other international agreement ratified by El Salvador, all State institutions shall provide information on actions or movements of persons or terrorist networks; on duplicate or forged documents; on procedures used to combat the crimes contemplated in this Law, including their financing and related activities, to the institutions in charge of its application.

This exchange of information shall not be carried out when, in the prudent judgment of the institutions in charge of the investigation of criminal acts provided for by this Law, they consider it detrimental to the performance of their investigative functions and the effectiveness of the same.

CHAPTER VII FINAL PROVISIONS

COMPETENCY

Art. 50.- The crimes contemplated in the present Law are under the jurisdiction of the courts and judges in criminal matters of the Republic.

The offenses contemplated in this Law shall be excluded from the knowledge of the court of the jury.

SUPPLEMENTARY RULES

Art. 51.- All matters not provided for in this Law shall be resolved in accordance with the provisions contained in the Penal Code, the Code of Criminal Procedure, as well as in special laws, provided that they do not contradict the spirit of this Law.

RULES OF LAW

Articles 343 and 344 of the Penal Code are hereby repealed.

EFFECTIVENESS

This Decree shall enter into force thirty days after its publication in the Diario Oficial de la Federación Official.

GIVEN IN THE BLUE ROOM OF THE LEGISLATIVE PALACE: San Salvador, on the twenty-first day of September of the year two thousand and six.

RUBEN ORELLANA, PRESIDENT.

ROLANDO ALVARENGA ARGUETA,
VICE PRESIDENT.

FRANCISCO ROBERTO LORENZANA DURÁN,
VICE-PRESIDENT.

JOSÉ RAFAEL MACHUCA ZELAYA,
VICE PRESIDENT.

RODOLFO ANTONIO PARKER SOTO,
VICE-PRESIDENT.

ENRIQUE ALBERTO LUIS VALDÉS SOTO,
SECRETARY.

GERSON MARTINEZ,
SECRETARY.

JOSÉ ANTONIO ALMENDÁRIZ RIVAS,
SECRETARY.

NORMAN NOEL QUIJANO GONZÁLEZ,
SECRETARY.

ZOILA BEATRIZ QUIJADA SOLÍS,
SECRETARY.

PRESIDENTIAL HOUSE: San Salvador, on the eleventh day of October of the year two thousand six.

PUBLISH,

Elías Antonio Saca González,
President of the Republic.

René Mario Figueroa Figueroa,
Minister of Government.

D. O. NO. 193
Volume No. 373
Date: October 17, 2006

REFORMS:

- (1) D.L. No. 342, MAY 7, 2010;
D.O. No. 100, T. 387, MAY 31, 2010.
- (2) D.L. No. 399, JUNE 24, 2010;
D.O. No. 118, T. 387, JUNE 24, 2010.
- (3) D.L. No. 862, NOVEMBER 20, 2014;
D.O. No. 231, T. 405, DECEMBER 10, 2014.
- (4) D.L. No. 200, NOVEMBER 26, 2015,
D.O. No. 228, T. 409, DECEMBER 10, 2015.

UNCONSTITUTIONALITY:

***THE CONSTITUTIONAL COURT OF THE SUPREME COURT OF JUSTICE, BY JUDGMENT No. 96-2007, PUBLISHED IN THE D. O. No. 158, T. 408, OF SEPTEMBER 1, 2015, DECLARES UNCONSTITUTIONAL THE TERM "AGENT OF AN INTERGOVERNMENTAL ORGANIZATION" USED IN LETTER N NUMERAL 2° OF ART. 4, FOR NOT OBSERVING THE MANDATE OF CERTAINTY OR TAXATION OF THE MATTER OF PROHIBITION THAT GOVERNS IN CRIMINAL MATTERS IN ACCORDANCE WITH THE PRINCIPLE OF LEGALITY, TO THE EXTENT THAT THE LEGISLATOR HAS NOT SPECIFIED WHO SHOULD BE UNDERSTOOD AS SUCH, AND ART. 40 AS TO ITS LEGAL CONSEQUENCE -SPECIAL DISQUALIFICATION FOR TWICE THE TIME OF THE SENTENCE-, BY NOT OBSERVING THE PRINCIPLE OF RESOCIALIZATION, SINCE ITS COMPLIANCE WOULD IMPLY AN EXCESSIVE RESTRICTION TO HIS SCOPE OF PARTICIPATION IN SOCIAL LIFE, AND WHOSE EFFECTS WILL LAST BEYOND HIS RELEASE FROM PRISON -AFFECTING HIM FOR LIFE. (JQ/01/10/15)**

SV
06/15/10

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12/07/10

SV
12/01/15

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01/10/15

JQ
12/01/16