



Ministry of Justice Sweden

Division for Criminal Law

Act on Criminal Responsibility for the Financing of Particularly Serious Crime in some cases (2002:444) (unofficial translation)

Purpose of this Act

Section 1

This Act contains penal provisions for the implementation of

1. the International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on 9 December 1999 (54/109), and
2. paragraph 6 of the United Nations Security Council Resolution 2178 (2014).

The Act (2009:62) on measures against money laundering and terrorist financing contains additional provisions for the implementation of the convention. They concern measures that those who are engaged in financial activities and other business operations are obliged to undertake in order to prevent that the activities are used for money laundering or financing of terrorism. Act (2016:94)

Particularly serious crime

Section 2

In this Act particularly serious crime refers to

1. murder, manslaughter, gross assault, kidnapping, unlawful deprivation of liberty, gross unlawful coercion, arson, gross arson, devastation endangering the public, sabotage and spreading poison or a contagious substance if the purpose of the act is to intimidate a population or a group of population or to compel a government or an international organisation to perform an act or abstain from acting,
2. terrorist offences according to Section 2 of the Act on Criminal Responsibility for Terrorist Offences (2003:148), gross sabotage, hijacking, maritime or air traffic sabotage and airport sabotage,

3. such offences as set forth in
 - a) Article 1 of the International Convention of 17 December, 1979, Against the Taking of Hostages,
 - b) Article 7 of the Convention of 3 March, 1980, on the Physical Protection of Nuclear Material
 - c) Article 2 of the International Convention of 15 December, 1997, for the Suppression of Terrorist Bombings, and
 - d) Article 2 of the International Convention of 13 April, 2005, for the Suppression of Acts of Nuclear Terrorism, and
4. murder, manslaughter, assault, gross assault, kidnapping, unlawful deprivation of liberty, gross infliction of damage, arson, gross arson as well as threats of such offences, if the act is committed against internationally protected persons as referred to under the Convention of 14 December, 1973, on the Prevention and Punishment of Crimes Against Internationally Protected Persons. Act (2016:94)

Criminal Responsibility

Section 3

Imprisonment for at most two years shall be imposed on a person who collects, provides or receives funds or other property with the intention that it should be used or in the knowledge that it is to be used

- a) in order to commit particularly serious crime, or
- b) by a person or persons forming an association that commit particularly serious crime or are guilty of attempt, preparation, conspiracy to commit or complicity in such crime.

If the offence under the first paragraph is regarded as gross, imprisonment for at least six months and at most six years shall be imposed. In the assessing whether the offence is gross, special consideration shall be given to whether the offence was part of an activity carried out on a large scale or otherwise was of a particularly dangerous kind.

Punishment shall not be imposed in petty cases. Act (2016:94).

Section 3 a

A person who collects, provides or receives funds or other property with the intention that it should be used, or in the knowledge that it is to be used for such travel as referred to in Section 5 b of the Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and other Particularly Serious Crime (2010:299) is sentenced to imprisonment for at most two years. Punishment shall not be imposed in petty cases. Act (2016:94)

Section 4

Attempts to commit an offence as set forth in Section 3 are punishable in accordance with the provisions of Chapter 23, Section 1 of the Penal Code.

Section 5

Liability under this Act shall not be imposed if the act is punishable with the same or a more severe penalty under the Penal Code or the Act (2003:148) on Criminal Responsibility for Terrorist Offences. Act (2016:94)

Jurisdiction

Section 6

A Swedish citizen or an alien who is present in this country and who has committed an offence according to this Act shall be adjudged by a Swedish court even if Chapter 2, Section 2 or 3 of the Penal Code does not stipulate jurisdiction. This applies also when, in accordance with Section 5 of this Act, punishment for the offence shall be imposed under the Penal Code or the Act (2003:148) on Criminal Responsibility for Terrorist Offences.

Provisions on requirements for authorisation to institute prosecution in some cases are set out in Chapter 2, Section 5 of the Penal Code. Act (2016:94)

Forfeiture

Section 7

Property subject to an offence under this Act shall be declared forfeited unless this is manifestly unreasonable. The value of the property may be declared forfeited instead of the property itself. Also the proceeds of offences under this Act shall be declared forfeited, unless this is manifestly unreasonable. Act (2014:312).

Seizure of money

Section 8

Property in the form of money, claims or other rights that can reasonably be assumed to be the subject of an offence under this Act, or an equivalent value, may be seized (seizure of money).

A seizure of money may be ordered only if the reasons for the measure outweigh the intrusion or other detriment that the measure entails for the suspect or for any other opposing interest. Act (2014:312).

Section 9

The investigation leader or the prosecutor orders seizure of money. A seizure of money may only concern available property.

If the seizure of money concerns a claim or other right, the debtor or other person under obligation shall be prohibited to discharge their obligation to any party other than the Swedish Police Authority.

In other respects, the provisions on seizure in the Swedish Code of Judicial Procedure apply to seizure of money. Act (2014:624).