

## Act on Criminal Responsibility for Terrorist Offences (2003:148)

Issued on 24 April, 2003

In accordance with the decision<sup>1</sup> of the Riksdag (the Swedish Parliament), the following is enacted:

**Section 1** This Act contains legal provisions for the implementation of the European Council Framework Decision of 13 June, 2002, on combating terrorism (2002/475/JHA)<sup>2</sup>.

**Section 2** A person who commits an act referred to in section 3 shall be sentenced for terrorist offence, provided the act might seriously damage a state or an intergovernmental organisation and the intent of the act is to

1. seriously intimidate a population or a group of population,
2. unduly compel a public authority or an intergovernmental organisation to perform an act or abstain from acting, or
3. seriously destabilise or destroy fundamental political, constitutional, economic or social structures in a state or in an intergovernmental organisation.

The penalty is imprisonment for a fixed term of at least four and at most eighteen years, or for life.

If the offence is less serious, imprisonment for at least two and at most six years shall be imposed.

If a higher minimum penalty for the act has been prescribed by the Penal Code, the provisions of the Code shall apply regarding the minimum penalty. Act (2009:399).

**Section 3** The following acts constitute terrorist offences, under the conditions set out in section 2 of this Act:

1. murder, Chapter 3, section 1 of the Penal Code,
2. manslaughter, Chapter 3, section 2 of the Penal Code,
3. gross assault, Chapter 3, section 6 of the Penal Code,
4. kidnapping, Chapter 4, section 1 of the Penal Code,
5. unlawful deprivation of liberty, Chapter 4, section 2 of the Penal Code,
6. gross infliction of damage, Chapter 12, section 3 of the Penal Code,
7. arson and gross arson, Chapter 13, sections 1 and 2 of the Penal Code,
8. devastation endangering the public, Chapter 13, section 3 of the Penal Code,
9. sabotage and gross sabotage, Chapter 13, sections 4 and 5 of the Penal Code,
10. hijacking and maritime or air traffic sabotage, Chapter 13, section 5 a) of the Penal Code,
11. airport sabotage, Chapter 13, section 5 b) of the Penal Code,
12. spreading poison or a contagious substance, Chapter 13, section 7 of the Penal Code,
13. unlawful handling of chemical weapons, Chapter 22, section 6 a) of the Penal Code,
14. firearms offence, gross firearms offence and exceptionally gross firearms offence, Chapter 9, section 1, first paragraph, and section 1 a) of the Weapons Act (1996:67),
15. offences under section 29, third paragraph, of the Act on Inflammable and Explosive Goods (2010:1011),

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<sup>1</sup> Government Bill 2002/03:38, Report 2002/03:JuU12, Riksdag Communication 2002/03:148.

<sup>2</sup> OJ L 164, 22.6.2002, p.3 (Celex 32002F0475).

16. intentional offences under sections 25 and 26 of the Military Equipment Act (1992:1300), that refer to nuclear charges, radiological, biological and chemical weapons, apparatuses and other devices for spreading radiological, biological and chemical weapons as well as special parts and substances for such material,
17. offences under sections 18, 18 a and 20 of the Act on Control of Dual-Use Items and Technical Assistance (2000:1064), that refer to such items or technical assistance that could be used in the production of nuclear charges, biological or chemical weapons,
18. smuggling and grave smuggling, sections 3 and 5 of the Act on Penalties for Smuggling (2000:1225), should the offence refer to goods included under 14–17,
19. unlawful threat and gross unlawful threat, Chapter 4, section 5 of the Penal Code, which includes threat of committing any of the acts included under 1–18. Act (2014:896).

**Section 4** Attempt, preparation or conspiracy to commit a terrorist offence or failure to disclose or prevent such an offence is punishable in accordance with Chapter 23 of the Penal Code.

**Section 5** If a person commits an offence under Chapter 8, sections 1, 4–6, Chapter 9, section 4 or Chapter 14, sections 1 and 3 of the Penal Code or attempts to commit such offences, with the intent to support a terrorist offence, this shall be taken into account as an aggravating circumstance when determining the penal value, in addition to the rules applicable to each category of offence and the provisions of Chapter 29, section 2 of the Penal Code, provided the act is not punishable under section 2 or 4 or as complicity in such an offence.

**Section 6** Proceeds of offences under this Act shall be declared forfeited, unless this is manifestly unreasonable. The same shall apply to anything a person has received as payment for costs incurred in conjunction with such an offence, provided that such receipt constitutes an offence under this Act. The value of the article received may be declared forfeited instead of the article itself.

**Section 7** Property which has been used as an auxiliary means in the commission of an offence under this Act or which is the product of such an offence may be declared forfeited, if this is called for in order to prevent crime or for other special reasons. This also applies to

1. property which has been intended for use as an auxiliary means in a crime under this Act, provided the crime has been completed or the conduct constitutes a punishable attempt or punishable preparation or conspiracy,
  2. property the use of which constitutes an offence under this Act, or
  3. property which otherwise has been used by someone in a manner that constitutes such an offence.
- The value of the property may be declared forfeited instead of the property itself. Act (2005:319).

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This Act shall enter into force on 1 July, 2003.